

H. Con. Res. 283: Ms. MCKINNEY.
 H. Con. Res. 316: Mr. LUTHER.
 H. Con. Res. 325: Mr. ABERCROMBIE.
 H. Con. Res. 328: Mr. GILCHREST, Mr. MCHUGH, Mr. DUNCAN, and Mr. BARTON of Texas.
 H. Con. Res. 331: Mr. SHERMAN.
 H. Res. 559: Mr. LANTOS and Mr. PORTER.
 H. Res. 565: Ms. ESHOO, Ms. STABENOW, Mrs. THURMAN, Ms. KAPTUR, and Ms. GRANGER.
 H. Res. 566: Mr. LEVIN, Mr. KUCINICH, and Mr. QUINN.

THURSDAY, OCTOBER 8, 1998 (105)

The House was called to order by the SPEAKER.

¶105.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, October 7, 1998.

Mr. SOLOMON, pursuant to clause 1, rule I, objected to the Chair's approval of the Journal.

The question being put, *viva voce*, Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. SOLOMON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present, The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared	<table border="0"> <tr> <td rowspan="4"> <table border="0"> <tr> <td>Yeas</td> <td>325</td> </tr> <tr> <td>Nays</td> <td>72</td> </tr> <tr> <td>Answered present</td> <td>9</td> </tr> </table> </td> <td>.....</td> <td>325</td> </tr> <tr> <td>.....</td> <td>72</td> </tr> <tr> <td>.....</td> <td>9</td> </tr> </table>	<table border="0"> <tr> <td>Yeas</td> <td>325</td> </tr> <tr> <td>Nays</td> <td>72</td> </tr> <tr> <td>Answered present</td> <td>9</td> </tr> </table>	Yeas	325	Nays	72	Answered present	9	325	72	9
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				Yeas	325									
				Nays	72									
Answered present	9													
.....	72													
.....	9													

¶105.2 [Roll No. 495]
 YEAS—325

Abercrombie	Campbell	Edwards
Allen	Canady	Ehlers
Andrews	Capps	Ehrlich
Archer	Cardin	Emerson
Armey	Castle	Eshoo
Bachus	Chabot	Etheridge
Baessler	Chambliss	Evans
Baker	Chenoweth	Everett
Baldacci	Christensen	Ewing
Ballenger	Clayton	Farr
Barcia	Clement	Fawell
Barr	Coble	Foley
Barrett (NE)	Coburn	Forbes
Barrett (WI)	Collins	Ford
Bartlett	Combest	Fossella
Barton	Condit	Fowler
Bass	Cook	Franks (NJ)
Bateman	Cooksey	Frelinghuysen
Bentsen	Cox	Frost
Bereuter	Coyne	Galleghy
Berman	Cramer	Ganske
Bilbray	Crapo	Gejdenson
Bilirakis	Cubin	Gekas
Bishop	Cummings	Gilchrest
Blagojevich	Danner	Gillmor
Bliley	Davis (IL)	Gilman
Blumenauer	Davis (VA)	Gonzalez
Blunt	Deal	Goode
Boehlert	DeGette	Goodlatte
Boehner	Delahunt	Goodling
Bonilla	DeLauro	Gordon
Bono	DeLay	Goss
Boswell	Deutsch	Graham
Boucher	Diaz-Balart	Granger
Boyd	Dickey	Greenwood
Brady (TX)	Dicks	Hall (OH)
Bryant	Dingell	Hall (TX)
Bunning	Doggett	Hamilton
Burr	Dooley	Harman
Burton	Doolittle	Hastert
Buyer	Doyle	Hastings (WA)
Callahan	Dreier	Hayworth
Calvert	Duncan	Hilleary
Camp	Dunn	Hobson

Hoekstra	McKeon	Sanders
Holden	McKinney	Sandlin
Hoolley	Meehan	Sawyer
Horn	Mica	Saxton
Hostettler	Millender-McDonald	Schumer
Hoyer	Miller (FL)	Sensenbrenner
Hunter	Minge	Serrano
Hutchinson	Mink	Sessions
Inglis	Moakley	Shaw
Istook	Moran (VA)	Shays
Jackson (IL)	Morella	Sherman
Jenkins	Murtha	Shimkus
John	Myrick	Shuster
Johnson (CT)	Nadler	Sisisky
Johnson (WI)	Neal	Skaggs
Johnson, E. B.	Nethercutt	Smith (NJ)
Johnson, Sam	Neumann	Smith (OR)
Jones	Ney	Smith (TX)
Kanjorski	Northup	Smith, Linda
Kaptur	Norwood	Snowbarger
Kelly	Nussle	Snyder
Kennedy (MA)	Ortiz	Solomon
Kennelly	Owens	Souder
Kildee	Oxley	Spence
Kilpatrick	Packard	Spratt
Kim	Pappas	Stabenow
Kind (WI)	Parker	Stearns
King (NY)	Pascrell	Stokes
Kingston	Pastor	Stump
Kleczka	Paul	Sununu
Klink	Paxon	Talent
Klug	Payne	Tanner
Knollenberg	Pease	Tauscher
Kolbe	Pelosi	Tauzin
LaHood	Peterson (MN)	Taylor (NC)
Lampson	Peterson (PA)	Thomas
Lantos	Pickering	Thornberry
Largent	Pitts	Thune
Latham	Pombo	Thurman
LaTourrette	Pomeroy	Tiahrt
Lazio	Porter	Tierney
Leach	Portman	Torres
Levin	Price (NC)	Trafigant
Lewis (CA)	Quinn	Turner
Lewis (KY)	Radanovich	Upton
Linder	Rahall	Walsh
Lipinski	Rangel	Wamp
Livingston	Redmond	Watkins
Lofgren	Regula	Watt (NC)
Lowe	Riley	Watts (OK)
Lucas	Rivers	Waxman
Luther	Rodriguez	Weldon (FL)
Maloney (NY)	Roemer	Weldon (PA)
Markey	Rogers	Wexler
Mascara	Rohrabacher	Weygand
Matsui	Ros-Lehtinen	White
McCarthy (MO)	Rothman	Whitfield
McCarthy (NY)	Roukema	Wilson
McCollum	Roybal-Allard	Wise
McDermott	Royce	Wolf
McHale	Rush	Woolsey
McHugh	Ryun	Yates
McInnis	Salmon	Young (AK)
McIntosh	Sanchez	Young (FL)
McIntyre		

NAYS—72

Ackerman	Gutierrez	Pallone
Aderholt	Gutknecht	Pickett
Becerra	Hansen	Poshard
Berry	Hastings (FL)	Ramstad
Bonior	Hefley	Rogan
Borski	Hill	Sabo
Brady (PA)	Hilliard	Schaffer, Bob
Brown (CA)	Hinchev	Scott
Brown (FL)	Hulshof	Skelton
Brown (OH)	Jackson-Lee	Smith (MI)
Clay	(TX)	Stark
Clyburn	Kennedy (RI)	Stenholm
Costello	Kucinich	Stupak
DeFazio	LaFalce	Taylor (MS)
English	Lee	Thompson
Ensign	Lewis (GA)	Towns
Fattah	LoBiondo	Velazquez
Fazio	Manzullo	Vento
Filner	McGovern	Visclosky
Fox	McNulty	Waters
Frank (MA)	Meeks (NY)	Weller
Furse	Menendez	Wicker
Gephardt	Moran (KS)	Wynn
Gibbons	Oberstar	
Green	Olver	

ANSWERED "PRESENT"—9

Carson	Martinez	Reyes
Cunningham	Metcalf	Sanford
Manton	Petri	Shadegg

NOT VOTING—28

Cannon	Hyde	Pryce (OH)
Conyers	Jefferson	Riggs
Crane	Kasich	Scarborough
Davis (FL)	Maloney (CT)	Schaefer, Dan
Dixon	McCrery	Skeen
Engel	McDade	Slaughter
Hefner	Meek (FL)	Smith, Adam
Herger	Miller (CA)	Strickland
Hinojosa	Mollohan	
Houghton	Obey	

So the Journal was approved.

¶105.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 678. An Act to require the Secretary of the Treasury to mint coins in commemoration of Thomas Alva Edison and the 125th anniversary of Edison's invention of the light bulb, and for other purposes.

H.R. 1659. An Act to provide for the expedient completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the Monument, and for other purposes.

H.R. 2000. An Act to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes.

H.R. 2411. An Act to provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission.

H.R. 2795. An Act to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir.

H.R. 4079. An Act to authorize the construction of temperature control devices at Folsom Dam in California.

H.R. 4081. An Act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas.

H.R. 4166. An Act to amend the Idaho Admission Act regarding the sale or lease of school land.

H.R. 4655. An Act to establish a program to support a transition to democracy in Iraq.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3528. An Act to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3874) "An Act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes."

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 736. An Act to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District.

S. 744. An Act to authorize the construction of the Fall River Water Users District Rural Water System and authorize financial assistance to the Fall River Water Users District, a non-profit corporation, in the planning and construction of the water supply system, and for other purposes.

S. 1175. An Act to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission for 10 additional years.

S. 1637. An Act to expedite State review of criminal records of applicants for bail enforcement officer employment, and for other purposes.

S. 1641. An Act to direct the Secretary of the Interior to study alternatives for establishing a national historic trail to commemorate and interpret the history of women's rights in the United States.

S. 2041. An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Willow Lake Natural Treatment System Project for the reclamation and reuse of water, and for other purposes.

S. 2086. An Act to revise the boundaries of the George Washington Birthplace National Monument.

S. 2117. An Act to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes.

S. 2140. An Act to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project.

S. 2142. An Act to authorize the Secretary of the Interior to convey the facilities of the Pine River Project, to allow jurisdictional transfer of lands between the Department of Agriculture, Forest Service, and the Department of the Interior, Bureau of Reclamation, and the Bureau of Indian Affairs, and for other purposes.

S. 2235. An Act to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers.

S. 2239. An Act to revise the boundary of Fort Matanzas National Monument, and for other purposes.

S. 2240. An Act to establish the Adams National Historical Park in the Commonwealth of Massachusetts, and for other purposes.

S. 2241. An Act to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes.

S. 2246. An Act to amend the Act which established the Frederick Law Olmsted National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary, and for other purposes.

S. 2247. An Act to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, and for other purposes.

S. 2248. An Act to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision, when required by State law, and for other purposes.

S. 2257. An Act to reauthorize the National Historic Preservation Act.

S. 2284. An Act to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes.

S. 2285. An Act to establish a commission, in honor of the 150th Anniversary of the Seneca Falls Convention, to further protect sites of importance in the historic efforts to secure equal rights for women.

S. 2309. An Act to authorize the Secretary of the Interior to enter into an agreement for the construction and operation of the Gateway Visitor Center at Independence National Historical Park.

S. 2468. An Act to designate the Biscayne National Park Visitor Center as the Dante Fascell Visitor Center.

105.4 RECESS—10:23 A.M.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 12 of rule I, declared the House in recess at 10 o'clock and 23 minutes a.m., until approximately 10:50 a.m., to prepare for an official photograph of the House of Representatives in session.

105.5 U.S. HOUSE OF REPRESENTATIVES—OFFICIAL PHOTOGRAPH

Pursuant to House Resolution 577, the Speaker suspended legislative business of the House temporarily while an official photograph was taken by the representatives of the National Geographic Society, for inclusion in the U.S. Capitol Historical Society's new edition of *We, the People*, and for other nonprofit news and educational purposes.

105.6 AFTER RECESS—10:55 A.M.

The SPEAKER called the House to order.

105.7 PRIVILEGES OF THE HOUSE— INVESTIGATORY POWERS OF THE COMMITTEE ON THE JUDICIARY

Mr. HYDE, by direction of the Committee on the Judiciary called up the following privileged resolution (H. Res. 581):

Resolved, That the Committee on the Judiciary, acting as a whole or by any subcommittee thereof appointed by the chairman for the purposes hereof and in accordance with the rules of the committee, is authorized and directed to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach William Jefferson Clinton, President of the United States of America. The committee shall report to the House of Representatives such resolutions, articles of impeachment, or other recommendations as it deems proper.

SEC. 2. (a) For the purpose of making such investigation, the committee is authorized to require—

(1) by subpoena or otherwise—
(A) the attendance and testimony of any person (including at a taking of a deposition by counsel for the committee); and
(B) the production of such things; and

(2) by interrogatory, the furnishing of such information;

as it deems necessary to such investigation.
(b) Such authority of the committee may be exercised—

(1) by the chairman and the ranking minority member acting jointly, or, if either declines to act, by the other acting alone, except that in the event either so declines, either shall have the right to refer to the committee for decision the question whether such authority shall be so exercised and the committee shall be convened promptly to render that decision; or

(2) by the committee acting as a whole or by subcommittee.

Subpoenas and interrogatories so authorized may be issued over the signature of the chairman, or ranking minority member, or any member designated by either of them, and may be served by any person designated by the chairman, or ranking minority member, or any member designated by either of them. The chairman, or ranking minority member, or any member designated by either of them (or, with respect to any deposition, answer to interrogatory, or affidavit, any person authorized by law to administer oaths) may administer oaths to any witness. For the purposes of this section, "things" includes, without limitation, books, records, correspondence, logs, journals, memorandums, papers, documents, writings, drawings, graphs, charts, photographs, reproductions, recordings, tapes, transcripts, printouts, data compilations from which information can be obtained (translated if necessary, through detection devices into reasonably usable form), tangible objects, and other things of any kind.

The SPEAKER ruled that the resolution did present a question of privilege and recognized Mr. HYDE.

Pending consideration of said resolution.

On motion of Mr. HYDE, by unanimous consent,

Ordered, That the time for debate on the resolution be expanded to two hours.

When said resolution was considered. After debate,

On motion of Mr. CONYERS, by unanimous consent,

Ordered, That there be ten minutes of debate time be allocated on the motion to recommit if offered by Mr. BOUCHER, equally divided between the proponent and opponent.

After further debate,

105.8 CALL OF THE HOUSE

The SPEAKER recognized Mr. HYDE to move a call of the House.

The call was taken by electronic device, and the following-named Members responded—

105.9 [Roll No. 496]

Abercrombie	Bonilla	Clement
Ackerman	Bonior	Clyburn
Aderholt	Bono	Coble
Allen	Borski	Coburn
Andrews	Boswell	Collins
Archer	Boucher	Combest
Armey	Boyd	Condit
Bachus	Brady (PA)	Conyers
Baesler	Brady (TX)	Cook
Baker	Brown (CA)	Cooksey
Baldacci	Brown (FL)	Costello
Ballenger	Brown (OH)	Cox
Barcia	Bryant	Coyne
Barr	Bunning	Cramer
Barrett (NE)	Burr	Crane
Barrett (WI)	Burton	Crapo
Bartlett	Buyer	Cubin
Barton	Callahan	Cummings
Bass	Calvert	Cunningham
Bateman	Camp	Danner
Becerra	Campbell	Davis (FL)
Bentsen	Canady	Davis (IL)
Bereuter	Cannon	Davis (VA)
Berry	Capps	Deal
Bilbray	Cardin	DeFazio
Bilirakis	Carson	DeGette
Bishop	Castle	Delahunt
Blagojevich	Chabot	DeLauro
Bliley	Chambliss	DeLay
Blumenauer	Chenoweth	Deutsch
Blunt	Christensen	Diaz-Balart
Boehler	Clay	Dickey
Boehner	Clayton	Dicks

Coburn	Hutchinson	Portman	Boehner	Hastert	Peterson (MN)	Ford	Luther	Rodriguez
Collins	Hyde	Quinn	Bonilla	Hastings (WA)	Peterson (PA)	Frank (MA)	Maloney (NY)	Rothman
Combest	Inglis	Radanovich	Bono	Hayworth	Petri	Frost	Manton	Roybal-Allard
Cook	Istook	Ramstad	Boswell	Hefley	Pickering	Furse	Markey	Rush
Cooksey	Jenkins	Redmond	Brady (TX)	Herger	Pickett	Gejdenson	Martinez	Sabo
Cox	Johnson (CT)	Regula	Bryant	Hill	Pitts	Gephardt	Mascara	Sanchez
Crane	Johnson, Sam	Riggs	Bunning	Hilleary	Pombo	Gonzalez	Matsui	Sanders
Crapo	Jones	Riley	Burr	Hobson	Porter	Gordon	McCarthy (MO)	Sandlin
Cubin	Kanjorski	Rogan	Burton	Hoekstra	Portman	Green	McDermott	Sawyer
Cunningham	Kasich	Rogers	Buyer	Horn	Quinn	Gutierrez	McGovern	Schumer
Davis (VA)	Kelly	Rohrabacher	Callahan	Hostettler	Rodanovich	Hall (OH)	McKinney	Scott
Deal	Kim	Ros-Lehtinen	Calvert	Houghton	Ramstad	Harman	McNulty	Serrano
DeLay	King (NY)	Roukema	Camp	Hulshof	Redmond	Hastings (FL)	Meehan	Sherman
Diaz-Balart	Kingston	Royce	Campbell	Hunter	Regula	Hefner	Meek (FL)	Skaggs
Doolittle	Klug	Ryun	Canady	Hutchinson	Riggs	Hilliard	Meeke (NY)	Slaughter
Dreier	Knollenberg	Salmon	Cannon	Hyde	Riley	Hinchev	Menendez	Smith, Adam
Duncan	Kolbe	Sanford	Castle	Inglis	Roemer	Hinojosa	Millender-	Snyder
Dunn	LaHood	Saxton	Chabot	Istook	Rogan	Holden	McDonald	Stabenow
Ehlers	Largent	Scarborough	Chambliss	Jenkins	Rogers	Hooley	Miller (CA)	Stark
Ehrlich	Latham	Schaefer, Dan	Chenoweth	John	Rohrabacher	Hoyer	Mink	Stokes
Emerson	LaTourrette	Schaffer, Bob	Christensen	Johnson (CT)	Ros-Lehtinen	Jackson (IL)	Moakley	Strickland
English	Lazio	Sensenbrenner	Coble	Johnson, Sam	Roukema	Jackson-Lee	Mollohan	Stupak
Ensign	Leach	Serrano	Coburn	Jones	Royce	(TX)	Murtha	Tanner
Evans	Lewis (CA)	Sessions	Collins	Kasich	Ryun	Jefferson	Nadler	Thompson
Everett	Lewis (GA)	Shadegg	Combest	Kelly	Salmon	Johnson (WI)	Neal	Thurman
Ewing	Lewis (KY)	Shaw	Condit	Kim	Sanford	Johnson, E. B.	Oberstar	Tierney
Fawell	Linder	Shays	Cook	Kind (WI)	Saxton	Kanjorski	Obey	Torres
Filner	Lipinski	Shimkus	Cooksey	King (NY)	Scarborough	Kaptur	Olver	Towns
Foley	Livingston	Shuster	Cox	Kingston	Schaefer, Dan	Kennedy (MA)	Ortiz	Traficant
Forbes	LoBiondo	Skeen	Cramer	Klug	Schaffer, Bob	Kennedy (RI)	Owens	Velazquez
Fossella	Lucas	Smith (MI)	Crane	Knollenberg	Sensenbrenner	Kennelly	Pallone	Vento
Fowler	Manzullo	Smith (NJ)	Crapo	Kolbe	Sessions	Kildee	Pascrell	Viscosky
Fox	McCollum	Smith (OR)	Cubin	Kucinich	Shadegg	Kilpatrick	Pastor	Waters
Franks (NJ)	McCrery	Smith (TX)	Cunningham	LaHood	Shaw	Klecza	Payne	Watt (NC)
Frelinghuysen	McDade	Smith, Linda	Danner	Lampson	Shays	Klink	Pelosi	Waxman
Gallegly	McHale	Snowbarger	Davis (VA)	Largent	Shimkus	LaFalce	Pomeroy	Wexler
Ganske	McHugh	Solomon	Deal	Latham	Shuster	Lantos	Poshard	Wise
Gekas	McInnis	Souder	DeLay	LaTourrette	Sisisky	Lee	Price (NC)	Woolsey
Gibbons	McIntosh	Spence	Diaz-Balart	Lazio	Skeen	Levin	Rahall	Wynn
Gilchrist	McKeon	Stearns	Dickey	Leach	Skelton	Lewis (GA)	Rangel	Yates
Gillmor	McKinney	Stump	Doolittle	Lewis (CA)	Smith (MI)	Lofgren	Reyes	
Gilman	Metcalf	Sununu	Dreier	Lewis (KY)	Smith (NJ)	Lowey	Rivers	
Gingrich	Mica	Talent	Duncan	Linder	Smith (OR)			
Goode	Miller (FL)	Tauzin	Dunn	Lipinski	Smith (TX)			
Goodlatte	Moran (KS)	Taylor (MS)	Ehlers	Livingston	Smith, Linda			
Goodling	Morella	Taylor (NC)	Ehrlich	LoBiondo	Snowbarger			
Goss	Myrick	Thomas	Emerson	Lucas	Solomon			
Graham	Nethercutt	Thornberry	English	Maloney (CT)	Souder			
Granger	Neumann	Thune	Ensign	Manzullo	Spence			
Greenwood	Ney	Tiahrt	Etheridge	McCarthy (NY)	Spratt			
Gutknecht	Northup	Upton	Evans	McCollum	Stearns			
Hansen	Norwood	Walsh	Everett	McCrery	Stenholm			
Hastert	Nussle	Wamp	Ewing	McDade	Stump			
Hastings (WA)	Oxley	Watkins	Fawell	McHale	Sununu			
Hayworth	Packard	Watts (OK)	Foley	McHugh	Talent			
Hefley	Pappas	Weldon (FL)	Forbes	McInnis	Tauscher			
Herger	Parker	Weldon (PA)	Fossella	McIntosh	Tauzin			
Hill	Paul	Weller	Fowler	McIntyre	Taylor (MS)			
Hilleary	Paxon	White	Fox	McKeon	Taylor (NC)			
Hobson	Pease	Whitfield	Franks (NJ)	Metcalf	Thomas			
Hoekstra	Peterson (PA)	Wicker	Frelinghuysen	Mica	Thornberry			
Horn	Petri	Wilson	Gallegly	Miller (FL)	Thune			
Hostettler	Pickering	Wolf	Ganske	Minge	Tiahrt			
Houghton	Pitts	Young (AK)	Gekas	Moran (KS)	Turner			
Hulshof	Pombo	Young (FL)	Gibbons	Moran (VA)	Upton			
Hunter	Porter		Gilchrist	Morella	Walsh			
			Gillmor	Myrick	Wamp			
			Gilman	Nethercutt	Watkins			
			Gingrich	Neumann	Watts (OK)			
			Goode	Ney	Weldon (FL)			
			Goodlatte	Northup	Weldon (PA)			
			Goodling	Norwood	Weller			
			Goss	Nussle	Weygand			
			Graham	Oxley	White			
			Granger	Packard	Whitfield			
			Greenwood	Pappas	Wicker			
			Gutknecht	Parker	Wilson			
			Hall (TX)	Paul	Wolf			
			Hamilton	Paxon	Young (AK)			
			Hansen	Pease	Young (FL)			

NOT VOTING—1
Pryce (OH)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce, Will the House agree to said resolution?

The SPEAKER announced that the yeas had it.

Mr. SENSENBRENNER demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 258
affirmative } Nays 176

¶105.11

[Roll No. 498]
AYES—258

Aderholt	Barr	Bereuter
Archer	Barrett (NE)	Bilbray
Armey	Bartlett	Bilirakis
Bachus	Barton	Billey
Baker	Bass	Blunt
Balenger	Bateman	Boehler

Abercrombie	Boyd	DeFazio
Ackerman	Brady (PA)	DeGette
Allen	Brown (CA)	Delahunt
Andrews	Brown (FL)	DeLauro
Baessler	Brown (OH)	Deutsch
Baldacci	Capps	Dicks
Barcia	Cardin	Dingell
Barrett (WI)	Carson	Dixon
Becerra	Clay	Doggett
Bentsen	Clayton	Dooley
Berman	Clement	Doyle
Berry	Clyburn	Edwards
Bishop	Conyers	Engel
Blagojevich	Costello	Eshoo
Blumenauer	Coyne	Farr
Bonior	Cummings	Fattah
Borski	Davis (FL)	Fazio
Boucher	Davis (IL)	Filner

NOES—176

Boehner	Hastert	Peterson (MN)
Bonilla	Hastings (WA)	Peterson (PA)
Bono	Hayworth	Petri
Boswell	Hefley	Pickering
Brady (TX)	Herger	Pickett
Bryant	Hill	Pitts
Bunning	Hilleary	Pombo
Burr	Hobson	Porter
Burton	Hoekstra	Portman
Buyer	Horn	Quinn
Callahan	Hostettler	Rodanovich
Calvert	Houghton	Ramstad
Camp	Hulshof	Redmond
Campbell	Hunter	Regula
Canady	Hutchinson	Riggs
Cannon	Hyde	Riley
Castle	Inglis	Roemer
Chabot	Istook	Rogan
Chambliss	Jenkins	Rogers
Chenoweth	John	Rohrabacher
Christensen	Johnson (CT)	Ros-Lehtinen
Coble	Johnson, Sam	Roukema
Coburn	Jones	Royce
Collins	Kasich	Ryun
Combest	Kelly	Salmon
Condit	Kim	Sanford
Cook	Kind (WI)	Saxton
Cooksey	King (NY)	Scarborough
Cox	Kingston	Schaefer, Dan
Cramer	Klug	Schaffer, Bob
Crane	Knollenberg	Sensenbrenner
Crapo	Kolbe	Sessions
Cubin	Kucinich	Shadegg
Cunningham	LaHood	Shaw
Danner	Lampson	Shays
Davis (VA)	Largent	Shimkus
Deal	Latham	Shuster
DeLay	LaTourrette	Sisisky
Diaz-Balart	Lazio	Skeen
Dickey	Leach	Skelton
Doolittle	Lewis (CA)	Smith (MI)
Dreier	Lewis (KY)	Smith (NJ)
Duncan	Linder	Smith (OR)
Dunn	Lipinski	Smith (TX)
Ehlers	Livingston	Smith, Linda
Ehrlich	LoBiondo	Snowbarger
Emerson	Lucas	Solomon
English	Maloney (CT)	Souder
Ensign	Manzullo	Spence
Etheridge	McCarthy (NY)	Spratt
Evans	McCollum	Stearns
Everett	McCrery	Stenholm
Ewing	McDade	Stump
Fawell	McHale	Sununu
Foley	McHugh	Talent
Forbes	McInnis	Tauscher
Fossella	McIntosh	Tauzin
Fowler	McIntyre	Taylor (MS)
Fox	McKeon	Taylor (NC)
Franks (NJ)	Metcalf	Thomas
Frelinghuysen	Mica	Thornberry
Gallegly	Miller (FL)	Thune
Ganske	Minge	Tiahrt
Gekas	Moran (KS)	Turner
Gibbons	Moran (VA)	Upton
Gilchrist	Morella	Walsh
Gillmor	Myrick	Wamp
Gilman	Nethercutt	Watkins
Gingrich	Neumann	Watts (OK)
Goode	Ney	Weldon (FL)
Goodlatte	Northup	Weldon (PA)
Goodling	Norwood	Weller
Goss	Nussle	Weygand
Graham	Oxley	White
Granger	Packard	Whitfield
Greenwood	Pappas	Wicker
Gutknecht	Parker	Wilson
Hall (TX)	Paul	Wolf
Hamilton	Paxon	Young (AK)
Hansen	Pease	Young (FL)

NOT VOTING—1
Pryce (OH)

So the resolution was agreed to. A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶105.12 SUBMISSION OF CONFERENCE REPORT—H.R. 2281

Mr. COBLE submitted a conference report (Rept. No. 105-796) on the bill (H.R. 2281) to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty; together with a statement thereon, for printing in the Record under the rule.

¶105.13 NOTICE—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. VISCLOSKEY, pursuant to clause 4(c) of rule XI, announced his intention to call up the following privileged resolution:

A resolution, in accordance with House Rule IX, clause 1, expressing the sense of the House that its integrity has been impugned because the antidumping provisions of the Trade and Tariff Act of 1930, (Subtitle B of Title VII) have not been expeditiously enforced;

Whereas the current financial crisis in Asia, Russia, and other regions have involved massive depreciation in the currencies of several key steel-producing and steel-consuming countries, along with a collapse in the domestic demand for steel in these countries;

Whereas the crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel-producing countries that are no longer able to export steel to the countries in economic crisis;

Whereas United States imports of finished steel mill products from Asian steel-producing countries, the People's Republic of China, Japan, Korea, India, Taiwan, Indonesia, Thailand, and Malaysia, have increased by 79 percent in the first 5 months of 1998 compared to the same period of 1997;

Whereas year-to-date imports of steel from Russia now exceed the record import levels of 1997, and steel imports from Russia and the Ukraine now approach 2,500,000 net tons;

Whereas foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade;

Whereas the European Union, for example, despite also being a major economy, in 1997 imported only one-tenth as much finished steel products from Asian steel-producing countries as the United States did and has restricted imports of steel from the Commonwealth of Independent States, including Russia;

Whereas the United States is simultaneously facing a substantial increase in steel imports from countries within the Commonwealth of Independent States, including Russia, caused in part by the closure of Asian markets;

Whereas there is a well-recognized need for improvements in the enforcement of the United States trade laws to provide an effective responsibility to such situations:

Now, therefore, be it

Resolved by the House of Representatives, that the House of Representatives calls upon the President to:

(1) take all necessary measures to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions, and for other purposes;

(2) pursue enhanced enforcement of United States trade laws with respect to the surge of steel imports into the United States, using all remedies available under those laws including offsetting duties, quantitative restraints, and other authorized remedial measures as appropriate;

(3) pursue with all tools at his disposal a more equitable sharing of the burden of accepting imports of finished steel products from Asia and the countries within the Commonwealth of Independent States;

(4) establish a task force within the executive branch with responsibility for closely monitoring United States imports of steel; and

(5) report to the Congress by no later than January 5, 1999, with a comprehensive plan for responding to this import surge, including ways of limiting its deleterious effects on employment, prices, and investment in the United States steel industry.

¶105.14 PROVIDING FOR THE
CONSIDERATION OF H.J. RES. 131

Mr. DIAZ-BALART, by direction of the Committee on Rules, called up the following resolution (H. Res. 580):

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 131) waiving certain enrollment requirements for the remainder of the One Hundred Fifth Congress with respect to any bill or joint resolution making general or continuing appropriations for fiscal year 1999. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommend.

When said resolution was considered. After debate,

On motion of Mr. DIAZ-BALART, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶105.15 WAIVING CERTAIN ENROLLMENT
REQUIREMENTS

On motion of Mr. THOMAS, pursuant to H. Res. 580, the House considered the joint resolution (H.J. Res. 331) waiving certain enrollment requirements for the remainder of the One Hundred Fifth Congress with respect to any bill or joint resolution making general or continuing appropriations for fiscal year 1999.

When said joint resolution was considered and read twice.

The joint resolution was ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶105.16 SUSPENSION OF THE RULES
NOTICE

Mr. THOMAS, pursuant to House Resolution 575, at 3:29 p.m. announced the Speaker would recognize Members for motions to suspend the rules under clause 2 of rule XXVII with respect to the following bills to be considered today: (H.R. 2675) to require that the Office of Personnel Management submit proposed legislation regarding which group universal and group variable life insurance would be available under chapter 87 of title 5, United States Code; and (S. 2561) to amend the Fair Credit Reporting Act with respect to furnishing and using consumer reports for employment purposes.

¶105.17 THEODORE ROOSEVELT MEDAL OF
HONOR

Mr. BUYER moved to suspend the rules and pass the bill (H.R. 2263) to authorize and request the President to award the Congressional Medal of Honor posthumously to Theodore Roosevelt for his gallant and heroic actions in the attack on San Juan Heights, Cuba, during the Spanish-American War.

The SPEAKER pro tempore, Mr. LATOURETTE, recognized Mr. BUYER and Mr. MCHALE, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BUYER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 5, rule 1, announced that further proceedings on the motion were postponed.

The point of no quorum was considered as withdrawn.

¶105.18 FURTHER PROVIDING FOR THE
CONSIDERATION OF H.R. 4274

Mr. DREIER, by direction of the Committee on Rules, reported (Rept. No. 105-798) the resolution (H. Res. 584) further providing for the consideration of the bill (H.R. 4274) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶105.19 FURTHER PROVIDING FOR THE
CONSIDERATION OF H.R. 4274

Mr. DREIER, by direction of the Committee on Rules, called up the following resolution (H. Res. 584):

Resolved, That during consideration of the bill (H.R. 4274) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1999, and for other purposes, in the Committee of the Whole House on the state of the Union pursuant to House Resolution 564—

(1) general debate shall not exceed one hour; and

(2) amendments numbered 2 and 3 in House Report 105-762 shall be in order before consideration of any other amendment.

When said resolution was considered. After debate,

¶105.20 FURTHER MESSAGE FROM THE
SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2281) "An Act to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes."

The message also announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3694) "An Act to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes."

The message also announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4194) "An Act making appropriations for the Departments of Vet-

erans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes.”.

The message also announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2206) “An Act to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes.”.

105.21 MOTION TO ADJOURN

Mr. OBEY moved that the House do now adjourn.

The question being put, viva voce, Will the House now adjourn?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. OBEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 58 negative } { Nays 349

105.22 [Roll No. 499] YEAS—58

Table with 3 columns: Name, Name, Name. Lists members such as Ackerman, Allen, Andrews, Becerra, Brown (CA), Clayton, Conyers, DeFazio, Delahunt, DeLauro, Dicks, Evans, Farr, Fazio, Filner, Frank (MA), Furse, Gephardt, Hall (OH), Hastings (FL), Hefner, Hinchey, Jackson-Lee (TX), Johnson (WI), Johnson, E. B., Kilpatrick, LaFalce, Lee, Lewis (GA), Lowey, Maloney (NY), Manton, Martinez, Matsui, McDermott, McGovern, McNulty, Meehan, Mee (FL), Miller (CA), Mink, Moakley, Obey, Olver, Owens, Pastor, Pelosi, Rodriguez, Sabo, Scott, Slaughter, Spratt, Stark, Strickland, Towns, Waters, Woolsey, Yates.

NAYS—349

Table with 3 columns: Name, Name, Name. Lists members such as Aderholt, Archer, Army, Bachus, Baker, Baldacci, Ballenger, Barcia, Barrett (NE), Barrett (WI), Bartlett, Barton, Bass, Bateman, Bentsen, Bereuter, Berman, Berry, Bilbray, Bilirakis, Bishop, Blagojevich, Bliley, Blumenauer, Blunt, Boehlert, Bonior, Bono, Borski, Boswell, Boucher, Boyd, Brady (PA), Brady (TX), Brown (FL), Brown (OH), Bryant, Bunning, Burr, Burton, Callahan, Calvert, Camp, Campbell, Canady, Cannon, Capps, Cardin, Carson, Castle, Chabot, Chambliss, Chenoweth, Clay, Clement, Clyburn, Coble, Coburn, Collins, Combust, Condit, Cook, Cooksey, Costello, Cox, Coyne, Cramer, Crane, Crapo, Cubin.

Table with 3 columns: Name, Name, Name. Lists members such as Cummings, Danner, Davis (FL), Davis (IL), Davis (VA), Deal, DeGette, DeLay, Deutsch, Diaz-Balart, Dickey, Dingell, Dixon, Doggett, Dooley, Doolittle, Dreier, Duncan, Dunn, Edwards, Ehlers, Ehrlich, Emerson, Engel, English, Eshoo, Etheridge, Everrett, Ewing, Fattah, Foley, Forbes, Ford, Fowler, Fox, Franks (NJ), Frelinghuysen, Frost, Gallegly, Ganske, Gejdenson, Gekas, Gibbons, Gilchrist, Gillmor, Gilman, Gonzalez, Goode, Goodlatte, Goodling, Gordon, Goss, Graham, Granger, Green, Gutierrez, Gutmacht, Hall (TX), Hamilton, Hansen, Hastert, Hastings (WA), Hayworth, Hefley, Herger, Hill, Hilleary, Hilliard, Hinojosa, Hobson, Hoekstra, Holden, Hooley, Horn, Hostettler, Houghton, Hoyer, Hunter, Hyde, Inglis, Istook, Jackson (IL), Jefferson, Jenkins, John, Johnson (CT), Johnson, Sam, Jones, Kanjorski, Kaptur, Kasich, Kelly, Kennedy (MA), Kildee, Kim, Kind (WI), King (NY), Kingston, Kleczka, Klink, Klug, Knollenberg, Kolbe, Kucinich, LaHood, Lampson, Lantos, Largent, Latham, LaTourrette, Lazio, Leach, Levin, Lewis (CA), Lewis (KY), Linder, Lipinski, Livingston, LoBiondo, Lofgren, Lucas, Luther, Maloney (CT), Manzullo, Markey, Mascara, McCarthy (MO), McCarthy (NY), McCollum, McCrery, McDade, McHale, McHugh, McInnis, McIntosh, McIntyre, McKeon, McKinney, Meeks (NY), Menendez, Metcalf, Mica, Millender-McDonald, Miller (FL), Minge, Mollohan, Moran (KS), Morella, Murtha, Myrick, Nadler, Neal, Nethercutt, Neumann, Northup, Norwood, Nussle, Oberstar, Ortiz, Packard, Pallone, Pappas, Parker, Pascrell, Paul, Paxon, Payne, Pease, Peterson (MN), Peterson (PA), Petri, Pickett, Pitts, Pomeroy, Porter, Portman, Price (NC), Quinn, Radanovich, Rahall, Ramstad, Rangel, Redmond, Regula, Reyes, Riggs, Riley, Rivers, Roemer, Rogan, Rogers, Rohrabacher, Ros-Lehtinen, Rothman, Roukema, Roybal-Allard, Royce, Rush, Salmon, Sanchez, Sanders, Sandlin, Sanford, Sawyer, Saxton, Scarborough, Schaefer, Dan, Schaffer, Bob, Schumer, Sensenbrenner, Serrano, Sessions, Shadegg, Shaw, Shays, Sherman, Shimkus, Shuster, Siskisky, Skaggs, Skee, Skelton, Smith (MI), Smith (NJ), Smith (OR), Smith (TX), Smith, Adam, Smith, Linda, Snowbarger, Snyder, Solomon, Souder, Spence, Stabenow, Stearns, Stenholm, Stokes, Stump, Stupak, Sununu, Talent, Tanner, Tauscher, Tauzin, Taylor (MS), Taylor (NC), Thomas, Thompson, Thornberry, Thune, Thurman, Tiahrt, Tierney, Torres, Traficant, Turner, Upton, Velazquez, Vento, Visclosky, Walsh, Watkins, Watt (NC), Watts (OK), Waxman, Weldon (FL), Weldon (PA), Weller, Wexler, Weygand, Wicker, Wilson, Wolf, Wynn, Young (AK), Young (FL).

NOT VOTING—27

Table with 3 columns: Name, Name, Name. Lists members such as Abercrombie, Baesler, Barr, Buyer, Christensen, Cunningham, Doyle, Ensign, Fawell, Fossella, Greenwood, Harman, Hulshof, Hutchinson, Kennedy (RI).

Table with 3 columns: Name, Name, Name. Lists members such as Kennelly, Moran (VA), Ney, Oxley, Pickering, Poshard, Pryce (OH), Ryun, Wamp, White, Whitfield, Wise.

So the motion to adjourn was not agreed to.

After further debate,

Mr. DREIER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mrs. SLAUGHTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 224 { Nays 201

105.23 [Roll No. 500] YEAS—224

Table with 3 columns: Name, Name, Name. Lists members such as Aderholt, Archer, Army, Bachus, Baker, Ballenger, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Bilbray, Bilirakis, Bliley, Blunt, Boehlert, Boehner, Bonilla, Bono, Brady (TX), Bryant, Bunning, Burr, Burton, Callahan, Calvert, Camp, Campbell, Canady, Cannon, Chabot, Chambliss, Chenoweth, Christensen, Coble, Coburn, Collins, Combust, Cook, Cooksey, Costello, Cox, Crane, Crapo, Cubin, Cunningham, Davis (VA), Deal, DeLay, Diaz-Balart, Dickey, Doolittle, Dreier, Duncan, Dunn, Ehlers, Ehrlich, Emerson, English, Ensign, Everrett, Ewing, Fawell, Foley, Forbes, Fossella, Fowler, Fox, Franks (NJ), Frelinghuysen, Furse, Gallegly, Ganske, Gekas, Gibbons, Mollohan, Moran (KS), Morella, Myrick, Nethercutt, Neumann, Ney, Northup, Norwood, Nussle, Oxley, Packard, Pappas, Parker, Paul, Paxon, Pease, Peterson (PA), Petri, Pitts, Pombo, Porter, Portman, Quinn, Radanovich, Ramstad, Redmond, Regula, Riggs, Riley, Rogan, Rogers, Rohrabacher, Ros-Lehtinen, Roukema, Royce, Ryun, Salmon, Sanford, Saxton, Schaefer, Dan, Schaffer, Bob, Sensenbrenner, Sessions, Shadegg, Shaw, Shays, Shimkus, Shuster, Siskisky, Skee, Smith (MI), Smith (NJ), Smith (OR), Smith (TX).

Smith, Linda	Taylor (NC)	Weldon (FL)
Snowbarger	Thomas	Weldon (PA)
Solomon	Thornberry	Weller
Souder	Thune	White
Spence	Tiahrt	Wicker
Stearns	Upton	Wilson
Stump	Walsh	Wolf
Sununu	Wamp	Young (AK)
Talent	Watkins	Young (FL)
Tauzin	Watts (OK)	

NAYS—201

Abercrombie	Hall (OH)	Obey
Ackerman	Hall (TX)	Olver
Allen	Hamilton	Ortiz
Andrews	Harman	Owens
Baesler	Hastings (FL)	Pallone
Baldacci	Hefner	Pascrell
Barcia	Hilliard	Pastor
Barrett (WI)	Hinchev	Payne
Becerra	Hinojosa	Pelosi
Bentsen	Holden	Peterson (MN)
Berman	Hooley	Pickett
Berry	Hoyer	Pomeroy
Bishop	Jackson (IL)	Poshard
Blagojevich	Jackson-Lee	Price (NC)
Blumenauer	(TX)	Rahall
Bonior	Jefferson	Rangel
Borski	John	Reyes
Boswell	Johnson (WI)	Rivers
Boucher	Johnson, E. B.	Rodriguez
Boyd	Kanjorski	Roemer
Brady (PA)	Kaptur	Rothman
Brown (CA)	Kennedy (MA)	Roybal-Allard
Brown (FL)	Kennedy (RI)	Rush
Brown (OH)	Kildee	Sabo
Capps	Kilpatrick	Sanchez
Cardin	Kind (WI)	Sanders
Carson	Kleczka	Sandlin
Clay	Klink	Sawyer
Clayton	Kucinich	Schumer
Clement	LaFalce	Scott
Clyburn	Lampson	Serrano
Condit	Lantos	Sherman
Conyers	Lee	Sisisky
Coyne	Levin	Skaggs
Cramer	Lewis (GA)	Skelton
Cummings	Lofgren	Slaughter
Danner	Lowey	Smith, Adam
Davis (FL)	Luther	Snyder
Davis (IL)	Maloney (CT)	Spratt
DeFazio	Maloney (NY)	Stabenow
DeGette	Manton	Stark
DeLahunt	Markey	Stenholm
DeLauro	Martinez	Stokes
Deutsch	Mascara	Strickland
Dicks	Matsui	Stupak
Dingell	McCarthy (MO)	Tanner
Dixon	McCarthy (NY)	Tauscher
Doggett	McDermott	Taylor (MS)
Dooley	McGovern	Thompson
Doyle	McHale	Thurman
Edwards	McIntyre	Tierney
Engel	McKinney	Torres
Eshoo	McNulty	Towns
Etheridge	Meehan	Trafficant
Evans	Meek (FL)	Turner
Farr	Meeks (NY)	Velazquez
Fazio	Menendez	Vento
Filner	Millender-	Visclosky
Ford	McDonald	Waters
Frank (MA)	Miller (CA)	Watt (NC)
Frost	Minge	Waxman
Gejdenson	Mink	Wexler
Gephardt	Moakley	Weygand
Gonzalez	Moran (VA)	Wise
Goode	Murtha	Woolsey
Gordon	Nadler	Wynn
Green	Neal	Yates
Gutierrez	Oberstar	

NOT VOTING—9

Buyer	Kennelly	Pryce (OH)
Fattah	McDade	Scarborough
Horn	Pickering	Whitfield

So the previous question on the resolution was ordered.

Ms. FURSE moved to reconsider the vote whereby the previous question was ordered on the resolution.

Mr. DELAY moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Ms. FURSE demanded a recorded vote on the motion to lay on the table the motion to reconsider said vote, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 231 Nays 197

105.24

[Roll No. 501]

AYES—231

Aderholt	Gibbons	Packard
Archer	Gilchrest	Pappas
Armey	Gillmor	Parker
Bachus	Gilman	Paul
Baker	Goode	Paxon
Ballenger	Goodlatte	Pease
Barcia	Goodling	Peterson (PA)
Barr	Goss	Petri
Barrett (NE)	Graham	Pickering
Bartlett	Granger	Pitts
Barton	Greenwood	Pombo
Bass	Gutknecht	Porter
Bateman	Hall (TX)	Portman
Bereuter	Hansen	Poshard
Bilbray	Hastert	Quinn
Bilirakis	Hastings (WA)	Radanovich
Bliley	Hayworth	Ramstad
Blunt	Hefley	Redmond
Boehlert	Herger	Regula
Boehner	Hill	Riggs
Bonilla	Hilleary	Riley
Bono	Hobson	Rogan
Brady (TX)	Hoekstra	Rogers
Bryant	Horn	Rohrabacher
Bunning	Hostettler	Ros-Lehtinen
Burr	Houghton	Roukema
Burton	Hulshof	Royce
Callahan	Hunter	Ryun
Calvert	Hutchinson	Salmon
Camp	Hyde	Sanford
Campbell	Inglis	Saxton
Canady	Istook	Scarborough
Cannon	Jenkins	Schaefer, Dan
Castle	Johnson (CT)	Schaffer, Bob
Chabot	Johnson, Sam	Sensenbrenner
Chambliss	Jones	Sessions
Chenoweth	Kasich	Shadegg
Christensen	Kelly	Shaw
Coble	Kim	Shays
Coburn	King (NY)	Shimkus
Collins	Kingston	Shuster
Combest	Klug	Skeen
Cook	Knollenberg	Smith (MI)
Cooksey	Kolbe	Smith (NJ)
Costello	LaHood	Smith (OR)
Cox	Largent	Smith (TX)
Crane	Latham	Smith, Linda
Crapo	LaTourrette	Snowbarger
Cubin	Lazio	Solomon
Cunningham	Leach	Souder
Davis (VA)	Lewis (CA)	Spence
Deal	Lewis (KY)	Stearns
DeLay	Linder	Stenholm
Diaz-Balart	Lipinski	Stump
Dickey	Livingston	Sununu
Doolittle	LoBiondo	Talent
Dreier	Lucas	Tauzin
Duncan	Manzullo	Taylor (MS)
Dunn	McCollum	Taylor (NC)
Ehlers	McCrery	Thomas
Ehrlich	McHugh	Thornberry
Emerson	McInnis	Thune
English	McIntosh	Tiahrt
Ensign	McKeon	Upton
Everett	Metcalf	Walsh
Ewing	Mica	Wamp
Fawell	Miller (FL)	Watkins
Foley	Moran (KS)	Watts (OK)
Forbes	Morella	Weldon (FL)
Fossella	Myrick	Weldon (PA)
Fowler	Nethercutt	Weller
Fox	Neumann	White
Franks (NJ)	Ney	Wicker
Frelinghuysen	Northup	Wilson
Gallegly	Norwood	Wolf
Ganske	Nussle	Young (AK)
Gekas	Oxley	Young (FL)

NOES—197

Abercrombie	Hall (OH)	Oberstar
Ackerman	Hamilton	Obey
Allen	Harman	Olver
Baesler	Hastings (FL)	Ortiz
Baldacci	Hefner	Owens
Barrett (WI)	Hilliard	Pallone
Becerra	Hinchev	Pascrell
Bentsen	Hinojosa	Pastor
Berman	Holden	Payne
Berry	Hooley	Pelosi
Bishop	Hoyer	Peterson (MN)
Blagojevich	Jackson (IL)	Pickett
Blumenauer	Jackson-Lee	Pomeroy
Bonior	(TX)	Price (NC)
Borski	Jefferson	Rahall
Boswell	John	Rangel
Boucher	Johnson (WI)	Reyes
Boyd	Johnson, E. B.	Rivers
Brady (PA)	Kanjorski	Rodriguez
Brown (CA)	Kaptur	Roemer
Brown (FL)	Kennedy (MA)	Rothman
Brown (OH)	Kennedy (RI)	Roybal-Allard
Capps	Kildee	Rush
Cardin	Kilpatrick	Sabo
Carson	Kind (WI)	Sanchez
Clay	Kleczka	Sanders
Clayton	Klink	Sandlin
Clement	Kucinich	Sawyer
Clyburn	LaFalce	Schumer
Condit	Lampson	Scott
Conyers	Lantos	Serrano
Coyne	Lee	Sherman
Cramer	Levin	Sisisky
Cummings	Lewis (GA)	Skaggs
Danner	Lofgren	Skelton
Davis (FL)	Lowey	Slaughter
Davis (IL)	Luther	Smith, Adam
DeFazio	Maloney (CT)	Snyder
DeGette	Maloney (NY)	Spratt
DeLahunt	Manton	Stabenow
DeLauro	Markey	Stark
Deutsch	Martinez	Stokes
Deutscher	Mascara	Strickland
Dicks	Matsui	Stupak
Dingell	McCarthy (MO)	Tanner
Dixon	McCarthy (NY)	Tauscher
Doggett	McDermott	Taylor (MS)
Dooley	McGovern	Thompson
Doyle	McHale	Thurman
Edwards	McIntyre	Tierney
Engel	McKinney	Torres
Eshoo	McNulty	Towns
Etheridge	Meehan	Trafficant
Evans	Meek (FL)	Turner
Farr	Meeks (NY)	Velazquez
Fazio	Menendez	Vento
Filner	Millender-	Visclosky
Ford	McDonald	Waters
Frank (MA)	Miller (CA)	Watt (NC)
Frost	Minge	Waxman
Gejdenson	Mink	Wexler
Gephardt	Moakley	Weygand
Gonzalez	Moran (VA)	Wise
Goode	Murtha	Woolsey
Gordon	Nadler	Wynn
Green	Neal	Yates
Gutierrez	Neal	

NOT VOTING—6

Andrews	Kennelly	Pryce (OH)
Buyer	McDade	Whitfield

So the motion to lay on the table the motion to reconsider the vote on ordering the previous question was agreed to.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. OBEY demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 214
 Nays 209
 Answered present 1

¶105.25

[Roll No. 502]

AYES—214

- Aderholt
- Archer
- Armey
- Bachus
- Baker
- Ballenger
- Barcia
- Barr
- Barrett (NE)
- Bartlett
- Barton
- Bateman
- Bereuter
- Bilirakis
- Bliley
- Blunt
- Boehner
- Bonilla
- Brady (TX)
- Bryant
- Bunning
- Burr
- Burton
- Callahan
- Calvert
- Camp
- Campbell
- Canady
- Cannon
- Chabot
- Chambliss
- Chenoweth
- Christensen
- Coble
- Coburn
- Collins
- Combest
- Condit
- Cook
- Cooksey
- Crane
- Crapo
- Cubin
- Cunningham
- Davis (VA)
- Deal
- DeLay
- Diaz-Balart
- Dickey
- Doolittle
- Dreier
- Duncan
- Dunn
- Ehlers
- Emerson
- English
- Ensign
- Everett
- Ewing
- Fawell
- Foley
- Forbes
- Fossella
- Fowler
- Fox
- Frelinghuysen
- Gallely
- Gekas
- Gibbons
- Gillmor
- Gingrich
- Goode
- Goodlatte
- Goodling
- Goss
- Graham
- Granger
- Greenwood
- Gutknecht
- Hall (OH)
- Hall (TX)
- Hansen
- Hastert
- Hastings (WA)
- Hayworth
- Hefley
- Herger
- Hill
- Hilleary
- Hobson
- Hoekstra
- Hostettler
- Houghton
- Hulshof
- Hunter
- Hutchinson
- Hyde
- Inglis
- Istook
- Jenkins
- Johnson, Sam
- Jones
- Kasich
- Kelly
- Kildee
- Kim
- King (NY)
- Kingston
- Knollenberg
- LaHood
- Largent
- Latham
- LaTourette
- Lewis (CA)
- Lewis (KY)
- Linder
- Livingston
- LoBiondo
- Lucas
- Manzullo
- McCollum
- McCrery
- McInnis
- McIntosh
- McKeon
- Metcalf
- Mica
- Moran (KS)
- Murtha
- Myrick
- Nethercutt
- Neumann
- Northup
- Norwood
- Nussle
- Ortiz
- Oxley
- Packard
- Pappas
- Parker
- Paul
- Paxon
- Pease
- Peterson (MN)
- Peterson (PA)
- Petri
- Pickering
- Pitts
- Pombo
- Porter
- Portman
- Quinn
- Radanovich
- Rahall
- Redmond
- Regula
- Riggs
- Riley
- Rogan
- Rogers
- Rohrabacher
- Ros-Lehtinen
- Roukema
- Royce
- Ryun
- Salmon
- Sanford
- Saxton
- Scarborough
- Schaefer, Dan
- Schaffer, Bob
- Sensenbrenner
- Sessions
- Shadegg
- Shaw
- Shimkus
- Shuster
- Skeelton
- Smith (MI)
- Smith (NJ)
- Smith (OR)
- Smith (TX)
- Smith, Linda
- Snowbarger
- Solomon
- Souder
- Spence
- Stearns
- Stenholm
- Stump
- Sununu
- Talent
- Tauzin
- Taylor (MS)
- Taylor (NC)
- Thomas
- Thornberry
- Thune
- Tiahrt
- Wamp
- Watkins
- Watts (OK)
- Weldon (FL)
- Weldon (PA)
- Weller
- White
- Whitfield
- Wicker
- Wilson
- Wolf
- Young (AK)
- Young (FL)

NOES—209

- Abercrombie
- Ackerman
- Allen
- Andrews
- Baesler
- Baldacci
- Barrett (WI)
- Bass
- Becerra
- Bentsen
- Berman
- Berry
- Bilbray
- Bishop
- Blagojevich
- Blumenauer
- Boehlert
- Boniore
- Borski
- Boswell
- Boucher
- Boyd
- Brady (PA)
- Brown (CA)
- Brown (FL)
- Brown (OH)
- Capps
- Cardin
- Carson
- Castle
- Clay
- Clayton
- Clement
- Clyburn
- Conyers
- Costello
- Coyne
- Cramer
- Cummings
- Danner
- Davis (FL)
- Davis (IL)
- DeFazio
- DeGette
- Delahunt
- DeLauro
- Deutsch
- Dicks
- Dingell
- Dixon
- Doggett

- Doyle
- Edwards
- Ehrlich
- Engel
- Eshoo
- Etheridge
- Evans
- Farr
- Fattah
- Filner
- Ford
- Frank (MA)
- Franks (NJ)
- Frost
- Furse
- Ganske
- Gejdenson
- Gephardt
- Gilchrest
- Gilman
- Gonzalez
- Gordon
- Green
- Gutierrez
- Hamilton
- Harman
- Hastings (FL)
- Hefner
- Hilliard
- Hinchee
- Hinojosa
- Holden
- Hooley
- Horn
- Hoyer
- Jackson (IL)
- Jackson-Lee (TX)
- Jefferson
- John
- Johnson (CT)
- Johnson (WI)
- Johnson, E. B.
- Kanjorski
- Kaptur
- Kennedy (MA)
- Kennedy (RI)
- Kilpatrick
- Kind (WI)
- Kleczka
- Klink
- Klug
- Kolbe
- Kucinich
- LaFalce
- Lampson
- Lazio
- Leach
- Lee
- Levin
- Lewis (GA)
- Lipinski
- Lofgren
- Luther
- Maloney (CT)
- Maloney (NY)
- Manton
- Markey
- Mascara
- Matsui
- McCarthy (MO)
- McCarthy (NY)
- McDermott
- McGovern
- McHale
- McHugh
- McIntyre
- McKinney
- McNulty
- Meehan
- Meeke (FL)
- Meeks (NY)
- Menendez
- Millender
- McDonald
- Miller (CA)
- Miller (FL)
- Minge
- Mink
- Moakley
- Mollohan
- Moran (VA)
- Morella
- Nadler
- Neal
- Ney
- Oberstar
- Obey
- Olver
- Owens
- Pallone
- Pascrell
- Pastor
- Payne
- Pelosi
- Pickett
- Pomeroy
- Poshard
- Price (NC)
- Ramstad
- Rangel
- Reyes
- Rivers
- Rodriguez
- Roemer
- Rothman
- Roybal-Allard
- Rush
- Sabo
- Sanchez
- Sanders
- Sandlin
- Sawyer
- Schumer
- Scott
- Serrano
- Shays
- Sherman
- Sisisky
- Skaggs
- Slaughter
- Smith, Adam
- Snyder
- Spratt
- Stabenow
- Stark
- Stokes
- Strickland
- Tanner
- Tauscher
- Thompson
- Thurman
- Tierney
- Torres
- Towns
- Trafficant
- Turner
- Upton
- Velazquez
- Vento
- Visclosky
- Waters
- Watt (NC)
- Waxman
- Wexler
- Weygand
- Wise
- Woolsey
- Wynn

ANSWERED "PRESENT"—1

Walsh

NOT VOTING—11

- Fazio
- Kennelly
- Lantos
- Lowey
- Martinez
- McDade
- Pryce (OH)
- Yates

So the resolution was agreed to.
 Mr. DREIER moved to reconsider the vote whereby the resolution was agreed to.

Mr. PORTMAN moved to lay on the table the motion to reconsider the vote on the resolution.

The question being put, viva voce,
 Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. OBEY demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 230
 Nays 192

¶105.26

[Roll No. 503]

AYES—230

- Aderholt
- Archer
- Armey
- Bachus
- Baker
- Ballenger
- Barcia
- Barr
- Barrett (NE)
- Bartlett
- Barton
- Bass

- Bateman
- Bereuter
- Bilbray
- Bilirakis
- Blagojevich
- Bliley
- Blunt
- Boehlert
- Boehner
- Bonilla
- Bono
- Brady (TX)
- Bryant
- Bunning
- Burr
- Burton
- Callahan
- Calvert
- Camp
- Campbell
- Canady
- Cannon
- Castle
- Chabot
- Chambliss
- Chenoweth
- Christensen
- Coble
- Coburn
- Collins
- Combest
- Cook
- Cooksey
- Cox
- Crane
- Crapo
- Cubin
- Cunningham
- Davis (VA)
- Deal
- DeLay
- Dickey
- Doolittle
- Dreier
- Duncan
- Dunn
- Ehlers
- Ehrlich
- Emerson
- English
- Ensign
- Everett
- Ewing
- Foley
- Forbes
- Fossella
- Fowler
- Fox
- Frelinghuysen
- Gallely
- Ganske
- Gekas
- Gibbons
- Gilchrest
- Gillmor
- Gilman
- Goode
- Goodlatte
- Goodling
- Goss
- Graham
- Granger
- Greenwood
- Gutknecht
- Hall (OH)
- Hall (TX)
- Hansen
- Hastert
- Hastings (WA)
- Hayworth
- Hefley
- Herger
- Hill
- Hilleary
- Hobson
- Hoekstra
- Horn
- Hostettler
- Houghton
- Hulshof
- Hunter
- Hutchinson
- Hyde
- Inglis
- Istook
- Jenkins
- Johnson (CT)
- Jones
- Kasich
- Coble
- Kildee
- Kim
- King (NY)
- Kingston
- Klug
- Knollenberg
- Kolbe
- LaHood
- Largent
- Latham
- LaTourette
- Lazio
- Leach
- Lewis (CA)
- Lewis (KY)
- Linder
- Livingston
- LoBiondo
- Lucas
- Manzullo
- McCollum
- McCrery
- McHugh
- McInnis
- McIntosh
- McKeon
- Metcalf
- Mica
- Miller (FL)
- Moran (KS)
- Morella
- Myrick
- Nethercutt
- Neumann
- Ney
- Northup
- Norwood
- Nussle
- Oxley
- Packard
- Pappas
- Parker
- Paul
- Paxon
- Pease
- Peterson (MN)
- Peterson (PA)
- Petri
- Pickering
- Pitts
- Pombo
- Porter
- Portman
- Quinn
- Radanovich
- Ramstad
- Redmond
- Regula
- Riggs
- Riley
- Rogan
- Rogers
- Rohrabacher
- Ros-Lehtinen
- Roukema
- Royce
- Ryun
- Salmon
- Sanford
- Saxton
- Scarborough
- Schaefer, Dan
- Schaffer, Bob
- Sensenbrenner
- Sessions
- Shadegg
- Shaw
- Shimkus
- Shuster
- Shays
- Shimkus
- Shuster
- Skeen
- Smith (MI)
- Smith (NJ)
- Smith (OR)
- Smith (TX)
- Smith, Linda
- Snowbarger
- Solomon
- Souder
- Spence
- Stearns
- Stenholm
- Stump
- Sununu
- Talent
- Tauzin
- Taylor (MS)
- Taylor (NC)
- Thomas
- Thornberry
- Thune
- Tiahrt
- Upton
- Walsh
- Wamp
- Watkins
- Watts (OK)
- Weldon (FL)
- Weldon (PA)
- Weller
- White
- Whitfield
- Wicker
- Wilson
- Wolf
- Young (AK)
- Young (FL)

NOES—192

- Abercrombie
- Ackerman
- Allen
- Andrews
- Baesler
- Baldacci
- Barrett (WI)
- Becerra
- Bentsen
- Berman
- Berry
- Bishop
- Blumenauer
- Boniore
- Borski
- Boswell
- Boucher
- Boyd
- Brady (PA)
- Brown (CA)
- Brown (FL)
- Brown (OH)
- Capps
- Cardin
- Carson
- Clay
- Clayton
- Clement
- Clyburn
- Condit
- Conyers
- Costello
- Coyne
- Cramer
- Cummings
- Danner
- Davis (FL)
- Davis (IL)
- DeFazio
- DeGette
- Delahunt
- DeLauro
- Deutsch
- Dicks
- Dingell
- Dixon
- Doggett
- Doyle
- Edwards
- Engel
- Eshoo
- Etheridge
- Evans
- Farr
- Fattah
- Filner
- Ford
- Frank (MA)
- Frost
- Furse
- Gejdenson
- Gephardt
- Gonzalez
- Gordon
- Green
- Gutierrez
- Hamilton
- Hastings (FL)
- Hefner
- Hilliard
- Hinchee
- Hinojosa
- Holden
- Hooley
- Hoyer

Jackson (IL)	Meehan	Sanders
Jackson-Lee (TX)	Meeke (FL)	Sandlin
Jefferson	Meeke (NY)	Sawyer
John	Menendez	Schumer
Johnson (WI)	Millender-	Scott
Johnson, E. B.	McDonald	Serrano
Kanjorski	Miller (CA)	Sherman
Kaptur	Minge	Sisisky
Kennedy (MA)	Mink	Skaggs
Kennedy (RI)	Moakley	Skelton
Kilpatrick	Mollohan	Slaughter
Kind (WI)	Moran (VA)	Smith, Adam
Klecza	Murtha	Snyder
Klink	Nadler	Spratt
Kucinich	Neal	Stabenow
LaFalce	Obey	Stark
Lampson	Olver	Stokes
Lantos	Ortiz	Strickland
Lee	Owens	Stupak
Levin	Pallone	Tanner
Lewis (GA)	Pascrell	Tauscher
Lipinski	Pastor	Thompson
Lofgren	Payne	Thurman
Lowey	Pelosi	Tierney
Luther	Pickett	Torres
Maloney (CT)	Pomeroy	Towns
Maloney (NY)	Poshard	Traficant
Manton	Price (NC)	Turner
Markey	Rahall	Velazquez
Mascara	Rangel	Vento
Matsui	Reyes	Visclosky
McCarthy (MO)	Rivers	Waters
McCarthy (NY)	Rodriguez	Watt (NC)
McDermott	Roemer	Waxman
McGovern	Rothman	Wexler
McHale	Roybal-Allard	Weygand
McIntyre	Rush	Wise
McKinney	Sabo	Woolsey
McNulty	Sanchez	Wynn

NOT VOTING—12

Buyer	Fazio	Martinez
Diaz-Balart	Harman	McDade
Dooley	Johnson, Sam	Pryce (OH)
Fawell	Kennelly	Yates

So the motion to lay on the table the motion to reconsider the vote on the resolution was agreed to.

105.27 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

105.28 ORDER OF BUSINESS—
CONSIDERATION OF AMENDMENTS TO
H.R. 4274

On motion of Mr. LIVINGSTON, by unanimous consent,

Ordered, That, during the further consideration of the bill H.R. 4274, debate time allotted to amendments numbered 2 and 3 in House Report 105-762 pursuant to House Resolution 584, be limited to sixteen minutes on each amendment: on the amendment by Mr. Greenwood, eight minutes to be allocated and controlled by Mr. Greenwood, and eight minutes allocated and controlled by Mr. Coburn; and on the Istook amendment, eight minutes to be allocated and controlled by Mr. Istook, and eight minutes to be allocated and controlled by Mr. Stokes.

105.29 LABOR—HHS APPROPRIATIONS FY
1999

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to House Resolution 584 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4274) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fis-

cal year ending September 30, 1999, and for other purposes.

The SPEAKER pro tempore, Mr. LATOURETTE, by unanimous consent, designated Mr. BEREUTER as Chairman of the Committee of the Whole; and after some time spent therein,

105.30 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following substitute amendment submitted by Mr. ISTOOK to the amendment offered by Mr. GREENWOOD:

Substitute amendment by Mr. ISTOOK:

Strike section 220 (page 52, line 3, and all that follows through page 53, line 8) and insert the following:

SEC. 220. (a) Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

(b) None of the funds appropriated in this or any other Act for any fiscal year for carrying out title X of the Public Health Service Act may be made available to any family planning project under section 1001 of such title if any provider of services in the project knowingly provides contraceptive drugs or devices to a minor, unless—

(1) such provider of services has given actual written notice to a custodial parent or custodial legal guardian of the minor, notifying the parent or legal guardian of the intent to provide the drugs or devices, at least five business days before providing the drugs or devices; or

(2) the minor has the written consent of a custodial parent or custodial legal guardian to receive the drugs or devices; or

(3) the minor is emancipated under applicable State law; or

(4) a court of competent jurisdiction has directed that the minor may receive the drugs or devices.

(c)(1) The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall require that each family planning project under section 1001 of title X of the Public Health Service Act—

(A) expressly inform all minors who seek the services of the project that abstinence is the only certain way to avoid pregnancy, sexually transmitted diseases, and infection with the human immunodeficiency virus; and

(B) ensure that all individuals who provide counseling services to minors through the project are trained to provide to minors counseling that encourages the minors—

(i) to abstain from sexual activity;

(ii) to avoid being coerced into engaging in sexual activities; and

(iii) to involve their parents in the decision to seek family planning services.

(2) The Secretary, acting through the Deputy Assistant Secretary for Population Affairs, shall carry out the following with respect to family planning projects referred to in paragraph (1):

(A) The Secretary shall develop and disseminate to the projects protocols for providing the counseling described in paragraph (1)(B), including protocols for training individuals to provide the counseling.

(B) The Secretary shall ensure that such protocols include protocols specific to younger adolescents.

(C) In developing protocols under subparagraphs (A) and (B), the Secretary shall consider the results of research under title XX of the Public Health Service Act.

(d) Each provider of services under section 1001 of title X of the Public Health Service Act shall each year certify to the Secretary of Health and Human Services compliance with this section. Such Secretary shall prescribe such regulations as may be necessary to effectuate this section.

Amendment by Mr. GREENWOOD;

Page 52, strike line 8 and all that follows through page 53, line 8, and insert the following:

(b)(1) The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall require that each family planning project under section 1001 of title X of the Public Health Service Act—

(A) expressly inform all minors who seek the services of the project that abstinence is the only certain way to avoid pregnancy, sexually transmitted diseases, and infection with the human immunodeficiency virus; and

(B) ensure that all individuals who provide counseling services to minors through the project are trained to provide to minors counseling that encourages the minors—

(i) to abstain from sexual activity;

(ii) to avoid being coerced into engaging in sexual activities; and

(iii) to involve their parents in the decision to seek family planning services.

(2) The Secretary, acting through the Deputy Assistant Secretary for Population Affairs, shall carry out the following with respect to family planning projects referred to in paragraph (1):

(A) The Secretary shall develop and disseminate to the projects protocols for providing the counseling described in paragraph (1)(B), including protocols for training individuals to provide the counseling.

(B) The Secretary shall ensure that such protocols include protocols specific to younger adolescents.

(C) In developing protocols under subparagraphs (A) and (B), the Secretary shall consider the results of research under title XX of the Public Health Service Act.

It was decided in the { Yeas 224
affirmative } Nays 200

105.31 [Roll No. 504]
AYES—224

Aderholt	Cooksey	Granger
Archer	Costello	Gutknecht
Armey	Cox	Hall (OH)
Bachus	Cramer	Hall (TX)
Baker	Crane	Hamilton
Ballenger	Crapo	Hansen
Barcia	Cubin	Hastert
Barr	Cunningham	Hastings (WA)
Barrett (NE)	Danner	Hayworth
Bartlett	Deal	Hefley
Barton	DeLay	Herger
Bateman	Diaz-Balart	Hill
Bereuter	Dickey	Hilleary
Bilirakis	Doolittle	Hoekstra
Bishop	Doyle	Holden
Bliley	Dreier	Hostettler
Blunt	Duncan	Hulshof
Boehner	Dunn	Hunter
Bonilla	Ehlers	Hutchinson
Bono	Emerson	Hyde
Brady (TX)	English	Inglis
Bryant	Ensign	Istook
Bunning	Everett	Jenkins
Burr	Ewing	John
Burton	Forbes	Johnson, Sam
Callahan	Fossella	Jones
Calvert	Fowler	Kanjorski
Camp	Fox	Kasich
Canady	Galleghy	Kildee
Cannon	Gekas	Kim
Chabot	Gibbons	King (NY)
Chambliss	Gillmor	Kingston
Chenoweth	Goode	Knollenberg
Christensen	Goodlatte	LaFalce
Coble	Goodling	LaHood
Coburn	Gordon	Largent
Collins	Goss	Latham
Combest	Graham	Lewis (CA)

Lewis (KY)	Pickering	Smith (TX)
Linder	Pitts	Smith, Linda
Lipinski	Pombo	Snowbarger
Livingston	Portman	Solomon
LoBiondo	Quinn	Souder
Lucas	Radanovich	Spence
Manzullo	Rahall	Stearns
Mascara	Redmond	Stenholm
McCollum	Regula	Stump
McCrery	Riggs	Stupak
McHugh	Riley	Sununu
McIntosh	Roemer	Talent
McIntyre	Rogan	Tanner
McKeon	Rogers	Tauzin
Metcalf	Rohrabacher	Taylor (MS)
Mica	Ros-Lehtinen	Taylor (NC)
Miller (FL)	Roukema	Thornberry
Mollohan	Royce	Thune
Moran (KS)	Ryun	Tiahrt
Murtha	Salmon	Trafficant
Myrick	Sandlin	Turner
Nethercutt	Sanford	Visclosky
Neumann	Saxton	Walsh
Ney	Scarborough	Wamp
Northup	Schaefer, Dan	Watkins
Norwood	Schaffer, Bob	Watts (OK)
Nussle	Sensenbrenner	Weldon (FL)
Ortiz	Sessions	Weldon (PA)
Oxley	Shadegg	Weller
Packard	Shaw	White
Pappas	Shimkus	Whitfield
Parker	Shuster	Wicker
Paul	Skeen	Wilson
Paxon	Skelton	Wolf
Pease	Smith (MI)	Young (AK)
Peterson (MN)	Smith (NJ)	Young (FL)
Petri	Smith (OR)	

Strickland	Towns	Wexler
Tauscher	Upton	Weygand
Thomas	Velazquez	Wise
Thompson	Vento	Woolsey
Thurman	Waters	Wynn
Tierney	Watt (NC)	
Torres	Waxman	

NOT VOTING—10

Buyer	McDade	Pryce (OH)
Fazio	Moakley	Yates
Kennelly	Peterson (PA)	
Martinez	Poshard	

So the substitute amendment was agreed to.

After some further time, The SPEAKER pro tempore, Mr. SHIMKUS, assumed the Chair.

When Mr. BEREUTER, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

105.32 MESSAGE FROM THE PRESIDENT—VETO OF H.R. 4101

The SPEAKER pro tempore, Mr. SHIMKUS, laid before the House a message from the President, which was read as follows:

To the House of Representatives:

I am returning herewith without my approval, H.R. 4101, the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999." I am vetoing this bill because it fails to address adequately the crisis now gripping our Nation's farm community.

I firmly believe and have stated often that the Federal Government must play an important role in strengthening the farm safety net. This appropriations bill provides an opportunity each year for the Government to take steps to help hardworking farmers achieve a decent living, despite the misfortune of bad weather, crop disease, collapsing markets, or other forces that affect their livelihoods. It is especially necessary for the Government to act this year, with prices dropping precipitously, crops destroyed by flood, drought, and disease, and where many farmers will see their net income drop by as much as 40 percent below a 5-year average.

Two years ago, when I signed the "Freedom to Farm Bill," I made clear that it did not provide an adequate safety net for our Nation's farmers. There is no better proof of that bill's shortcomings than the hardship in America's farm country this year. Our farm families are facing their worst crisis in a decade.

My Administration has already taken steps to address this crisis. In July, we announced the purchase of \$250 million of wheat to export to hungry people around the world. In August, I signed legislation to speed up farm program payments. But in the face of a growing emergency for our Nation's farmers, we must do more to ensure that American farmers can continue to provide, for years to come, the safest and least expensive food in the world. Last month, I sent to the Congress a request for \$2.3 billion in emergency aid for our farmers, and I supported Senator Daschle's and Harkin's

proposal to boost farm income by lifting the cap on marketing loan rates.

I am extremely disappointed that the Congress has reacted to this agriculture emergency situation by sending me a bill that fails to provide an adequate safety net for our farmers. I have repeatedly stated that I would veto any emergency farm assistance bill if it did not adequately address our farmers' immediate needs, and this bill does not do enough.

The lack of sufficient emergency aid for farmers in this bill is particularly problematic in light of the bill's other provisions that affect farmers and their rural communities. Cutting edge agricultural research is absolutely essential to improve our farmers' productivity and to maintain their advantage over our competitors around the world. But this bill eliminates the \$120 million in competitive research grants for this year that I strongly supported and signed into law just last June. It also blocks the \$60 million from the Fund for Rural America provided through that same bill, preventing needed additional rural development funds that would help our Nation's rural communities to diversify their economies and improve their quality of life. The bill also cuts spending for our food safety initiative in half, denying funds for research, public education, and other food safety improvements.

Many of our most vulnerable farmers have also had to face an obstacle that no one in America ever should have to confront: racial discrimination. Over 1,000 minority farmers have filed claims of discrimination by USDA's farm loan programs in the 1980s and early 1990s that the statute of limitations bars from being addressed. While I am pleased that this legislation contains a provision waiving the statute of limitations, I am disappointed that it does not contain the language included in the Senate's version of this bill, which accelerates the resolution of the cases, provides claimants with a fair and full court review if they so choose, and covers claims stemming from USDA's housing loan programs.

Therefore, as I return this bill, I again call on the Congress to send me a comprehensive plan, before this session ends, that adequately responds to the very real needs of our farmers at this difficult time.

WILLIAM J. CLINTON.

THE WHITE HOUSE, October 7, 1998.

The SPEAKER pro tempore, Mr. SHIMKUS, by unanimous consent, ordered that the veto message, together with the accompanying bill, be printed (H. Doc. 105-321) and spread upon the pages of the Journal of the House.

On motion of Mr. SKEEN, by unanimous consent, the veto message and accompanying bill were referred to the Committee on Appropriations.

105.33 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 3150

Mr. LINDER, by direction of the Committee on Rules, reported (Rept.

NOES—200

Abercrombie	Filner	Matsui
Ackerman	Foley	McCarthy (MO)
Allen	Ford	McCarthy (NY)
Andrews	Frank (MA)	McDermott
Baessler	Franks (NJ)	McGovern
Baldacci	Frelinghuysen	McHale
Barrett (WI)	Frost	McInnis
Bass	Furse	McKinney
Becerra	Ganske	McNulty
Bentsen	Gejdenson	Meehan
Berman	Gephardt	Meek (FL)
Berry	Gilchrest	Meeks (NY)
Billbray	Gilman	Menendez
Blagojevich	Gonzalez	Millender-
Blumenauer	Green	McDonald
Boehlert	Greenwood	Miller (CA)
Bonior	Gutierrez	Minge
Borski	Harman	Mink
Boswell	Hastings (FL)	Moran (VA)
Boucher	Hefner	Morella
Boyd	Hilliard	Nadler
Brady (PA)	Hinchey	Neal
Brown (CA)	Hinojosa	Oberstar
Brown (FL)	Hobson	Obey
Brown (OH)	Hooley	Olver
Campbell	Horn	Owens
Capps	Houghton	Pallone
Cardin	Hoyer	Pascrell
Carson	Jackson (IL)	Pastor
Castle	Jackson-Lee	Payne
Clay	(TX)	Pelosi
Clayton	Jefferson	Pickett
Clement	Johnson (CT)	Pomeroy
Clyburn	Johnson (WI)	Porter
Condit	Johnson, E. B.	Price (NC)
Conyers	Kaptur	Ramstad
Cook	Kelly	Rangel
Coyne	Kennedy (MA)	Reyes
Cummings	Kennedy (RI)	Rivers
Davis (FL)	Kilpatrick	Rodriguez
Davis (IL)	Kind (WI)	Rothman
Davis (VA)	Klecza	Roybal-Allard
DeFazio	Klink	Rush
DeGette	Klug	Sabo
Delahunt	Kolbe	Sanchez
DeLauro	Kucinich	Sanders
Deutsch	Lampson	Sawyer
Dicks	Lantos	Schumer
Dingell	LaTourrette	Scott
Dixon	Lazio	Serrano
Doggett	Leach	Shays
Dooley	Lee	Sherman
Edwards	Levin	Sisisky
Ehrlich	Lewis (GA)	Skaggs
Engel	Lofgren	Slaughter
Eshoo	Lowey	Smith, Adam
Etheridge	Luther	Snyder
Evans	Maloney (CT)	Spratt
Farr	Maloney (NY)	Stabenow
Fattah	Manton	Stark
Fawell	Markey	Stokes

No. 105-799) the resolution (H. Res. 586) waiving points of order against the conference report to accompany the bill (H.R. 3150) to amend title 11 of the United States Code, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶105.34 CHANGE OF REFERENCE—H.R. 1804

On motion of Mr. KIM, by unanimous consent, the Committee on Transportation and Infrastructure was discharged from further consideration of the bill (H.R. 1804) to designate the Federal Building located at 210 Seminary Street in Florence, Alabama, as the "John McKinley Federal Building".

When said bill was rereferred to the Committee on Government Reform and Oversight.

¶105.35 CHANGE OF REFERENCE—H.R. 4668

On motion of Mr. KIM, by unanimous consent, the Committee on Transportation and Infrastructure was discharged from further consideration of the bill (H.R. 4668) to designate the facility of the United States Postal Service at 30 North 7th Street in Terre Haute, Indiana, as the "John T. Myers Federal Building".

When said bill was rereferred to the Committee on Government Reform and Oversight.

¶105.36 H.R. 2263—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 5, rule I, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2263) to authorize and request the President to award the congressional Medal of Honor posthumously to Theodore Roosevelt for his gallant and heroic actions in the attack on San Juan Heights, Cuba, during the Spanish-American War.

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶105.37 SCIENCE POLICY REPORT

Mr. SENSENBRENNER moved to suspend the rules and agree to the following resolution (H. Res. 578):

Whereas the United States must maintain and improve its preeminent position in science and technology in order to advance human understanding of the universe and all it contains, and to improve the lives, health, and freedom of all peoples; and

Whereas the Committee on Science of the House of Representatives is hereby submit-

ting a print to Congress entitled "Unlocking Our Future: Toward a New National Science Policy": Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the print from the Committee on Science entitled "Unlocking Our Future: Toward a New National Science Policy" should serve as a framework for future deliberations on congressional science policy and funding.

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Mr. SENSENBRENNER and Mr. BROWN of California, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶105.38 SUBMISSION OF CONFERENCE REPORT—H.R. 1853

Mr. GOODLING submitted a conference report (Rept. No. 105-800) on the bill (H.R. 1853) to amend the Carl D. Perkins Vocational and Applied Technology Education Act; together with a statement thereon, for printing in the Record under the rule.

¶105.39 FURTHER MESSAGE FROM THE SENATE

A further a message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 442. An Act to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes.

S. 2584. An Act to provide aviator continuation pay for military members killed in Operation Desert Shield.

¶105.40 MAMMOGRAMS AND BIOPSIES

Mr. BLILEY moved to suspend the rules and agree to the following resolution (H. Res. 565):

Whereas 1 in 8 women will develop breast cancer in her lifetime;

Whereas nearly 180,000 American women will be diagnosed with breast cancer this year, and nearly 44,000 women will die of the disease;

Whereas breast cancer is the leading cause of cancer death of women between the ages of 40 and 55;

Whereas it is universally recognized that regular mammograms are the best way to detect breast cancer at its earliest, most treatable stages, and that mammograms can detect small breast cancers up to 2 years earlier than they can be detected through self-examination;

Whereas early detection, including regular mammography screening with prompt treatment, could result in one-third fewer breast cancer deaths among women over age 50;

Whereas the American Cancer Society and the National Cancer Institute recognize that regular mammograms are beneficial to women in their forties and recommend that women begin mammography screening by age 40;

Whereas the Centers for Disease Control and Prevention determined in 1995 that nearly half of American women age 50 and older, and more than one-third of American women age 40 to 49, had not received a mammogram in the previous year;

Whereas annual mammograms are essential in early detection of breast cancer, and biopsies are the only way to diagnose or rule out breast cancer with certainty;

Whereas it is vital that women have information about breast biopsy and the biopsy options that are available to them;

Whereas cutting-edge technology in women's health is creating more options for women; and

Whereas greater awareness of the importance of mammograms leads to more mammograms and biopsies: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) all American women should take an active role in the fight against breast cancer by all the means that are available to them, including self-examination, physician examination, and regular mammograms;

(2) the role played by community organizations and health care providers in promoting awareness of the importance of regular mammograms and of biopsy options and in helping to expand the availability of low-cost mammograms and biopsies should be recognized and applauded; and

(3) the Federal Government has a responsibility to—

(A) endeavor to raise awareness about the importance of the early detection (through mammography and biopsy) and prompt treatment of breast cancer;

(B) continue to fund research so that the causes of and a cure for breast cancer may be discovered; and

(C) continue to make mammograms and biopsies more widely available to women over 40.

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Mr. BLILEY and Mr. BROWN of Ohio, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BASS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Thursday, October 9, 1998, pursuant to the prior announcement of the Chair.

¶105.41 LITTLE ROCK CENTRAL HIGH SCHOOL NATIONAL HISTORIC SITE

On motion of Mr. HANSEN, by unanimous consent, the Committee on Resources was discharged from further consideration of the bill of the Senate

(S. 2232) to establish the Little Rock Central High School National Historic Site in the State of Arkansas, and for other purposes.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶105.42 DUTCH JOHN, UTAH LAND TRANSFER

On motion of Mr. HANSEN, by unanimous consent, the bill of the Senate (S. 890) to dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶105.43 INTERNATIONAL CHILD LABOR RELIEF

Mr. GILMAN moved to suspend the rules and pass the bill (H.R. 4506) to provide for United States support for developmental alternatives for underage child workers; as amended.

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Mr. GILMAN and Mr. LUTHER, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶105.44 REWARDS FOR INFORMATION RELATING TO INTERNATIONAL CRIMES

Mr. GILMAN moved to suspend the rules and pass the bill (H.R. 4660) to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia; as amended.

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Mr. GILMAN and Mr. LUTHER, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes."

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶105.45 INADEQUATE SEWAGE INFRASTRUCTURE IN TIJUANA, MEXICO

Mr. GILMAN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 331); as amended:

Since the 1930's, United States beaches have been severely impacted by the flow of sewage from Mexico and, in the last 2 decades, this environmental problem has been elevated to a major health and safety concern; and

Whereas, most recently, the flow of sewage from Tijuana, Mexico, has forced beach closures and caused other environmental and economic hardships in the cities of Imperial Beach, Coronado, and San Diego, California, and caused severe degradation of the Tijuana National Estuarine Wildlife Preserve: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) if the Government of Mexico does not take appropriate actions to recognize and mitigate the inadequacy of sewage infrastructure facilities in Mexico (including facilities for the treatment and transport of sewage) and the adverse environmental and economic impacts of sewage from Mexico on cities in the United States, the United States should review its obligations with Mexico under treaties and other international agreements (including agreements relating to port access, loan guarantees, and other types of foreign aid) and take appropriate actions to ensure that the Government of Mexico shares in the burdens caused by its sewage infrastructure problems; and

(2) any measurement of the responsiveness of the Government of Mexico to requests to mitigate its sewage treatment problems should be based on risk assessment procedures developed in consultation with the San Diego County Health Officer.

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Mr. GILMAN and Mr. LUTHER, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. BLUNT, announced that two-thirds of the Members present had not voted in the affirmative.

Mr. BECERRA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. BLUNT, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Thursday, October 9, 1998, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

¶105.46 HOLOCAUST-ERA ASSETS

Mr. GILMAN moved to suspend the rules and agree to the following resolution (H. Res. 557):

Whereas the Holocaust was one of the most tragic and complex horrors in this century, and survivors of that catastrophe are now reaching the end of their lives;

Whereas among the many atrocities committed by the Nazis was their systematic effort to confiscate property illegally and wrongfully from individuals, institutions, and communities solely because of religion or ethnicity;

Whereas the Nazi regime used foreign financial institutions to launder and hold property illegally confiscated from Holocaust victims, and some foreign financial institutions violated their fiduciary duty to their customers by converting to their own use financial assets belonging to Holocaust victims and denying heirs of these victims access to these assets through restrictive regulations and unreasonable interpretation of those regulations;

Whereas in the post-Communist period of transition many of the countries of Central and Eastern Europe have begun to enact legal procedures for the restitution of property confiscated or stolen from victims of the Holocaust to communities and to individual survivors of the Holocaust and their heirs;

Whereas, despite the enactment of legislation and the establishment of institutions to restore confiscated property in a number of countries, progress has been slow, difficult, and painful, and some countries have established restrictions which require those whose properties have been wrongfully plundered to reside in or be a current citizen of the country from which they now seek restitution or compensation;

Whereas the Tripartite Gold Commission has now concluded its activities, and under the leadership of the United States established an international Nazi Persecutees' Relief Fund, reached agreement with most of the countries which had gold on deposit with the Tripartite Gold Commission to donate their shares to this Persecutees' Fund, and the United States has pledged to contribute \$25 million to this fund;

Whereas two significant agreements have recently been reached, the first between Holocaust survivors and private Swiss banks and the second between Holocaust survivors and European insurance companies, which represent significant first steps in the international effort to provide belated justice to survivors and victims of the Holocaust and their heirs;

Whereas the Department of State and the United States Holocaust Memorial Museum

will co-host the Washington Conference on Holocaust-Era Assets later this year in order to review current efforts, share research across national borders, renew efforts to open Nazi-era archives, and spur greater progress on the restitution of Holocaust-era assets; and

Whereas there is a growing international consensus and sense of urgency that, after a half century of indifference and inaction, justice must be obtained for victims and survivors of the holocaust and their heirs; Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the great responsibility which the United States has to Holocaust survivors and their families, many of whom are American citizens, to continue to treat the issue of Holocaust-era assets as a high priority and to encourage other governments to do the same;

(2) commends the agencies of the United States government for their untiring efforts and for the example they have set, including the publication of the May 1997 and June 1998 reports on U.S. and Allied Efforts to Recover or Restore Gold and Other Assets Stolen or Hidden by Germany in World War II and the efforts to return such assets to their rightful owners;

(3) commends those organizations which have played a critical role in the effort to assure compensation and/or restitution for survivors of the Holocaust, and in particular to the World Jewish Congress and the World Jewish Restitution Organization;

(4) welcomes the convening of the Washington Conference on Holocaust-Era Assets later this year by the United States Holocaust Memorial Museum and the Department of State and expresses the hope that this conference will contribute to the sharing of information and will spur greater progress on the restitution of Holocaust-era assets;

(5) commends those countries which have instituted procedures for the restitution of individual and communal property confiscated from Holocaust victims, and urges those governments which have not established such procedures to adopt fair and transparent legislation and regulations necessary for such restitution;

(6) calls upon countries in transition in Central and Eastern Europe to remove certain citizenship or residency prerequisites for individual survivors of the Holocaust seeking restitution of confiscated property;

(7) notes that former Communist countries which seek to become members of the North Atlantic Alliance and other international organizations must recognize that a part of the process of international integration involves the enactment of laws which safeguard and protect property rights that are similar to those in democratic countries which do not require artificial citizenship and residency requirements for restitution or compensation;

(8) commends those countries which have established significant commissions, such as the Presidential Advisory Commission on Holocaust Assets in the United States, to conduct research into matters relating to Holocaust-era assets, to assure that information developed by these commissions is publicly available, to complete their major historical research efforts, and to contribute to the major funds established to benefit needy Holocaust survivors no later than December 31, 1999;

(9) commends those countries and organizations which have opened their archives and made public records and documents relating to the Nazi era, and urges all countries and organizations, including the United Nations, the Holy See, the International Committee of the Red Cross and national Red Cross organizations, to assure that all materials re-

lating to that era are fully accessible to the public;

(10) urges all countries to develop and include as a part of their educational curriculum material on the Holocaust, the history of the Second World War, the evils of discrimination and persecution of racial, ethnic or religious minorities, and the consequences of the failure to respect human rights;

(11) appreciates the efforts of the government of Germany for successfully concluding an agreement with the Conference on Material Claims Against Germany on matters concerning restitution for Holocaust survivors from Central and Eastern Europe who have not yet received restitution, and urges the government of Germany to continue to negotiate with the Claims Conference to expand the eligibility criteria to ensure that all needy Holocaust survivors receive restitution;

(12) urges all countries to continue aggressive investigation and prosecution of individuals who may have been involved in Nazi-era war crimes, such as the Government of Germany which should investigate Dr. Hans Joachim Sewering for war crimes of active euthanasia and crimes against humanity committed during World War II;

(13) urges countries, especial Israel, Russia, Poland, and other Central and East European nations, and organizations such as the International Committee of the Red Cross and Israel's Jewish Agency to coordinate efforts to help reunite family members separated during the Holocaust; and

(14) directs the Clerk of the House to transmit a copy of this resolution to the Secretary of State and requests that the Secretary transmit copies to all relevant parties.

The SPEAKER pro tempore, Mr. BLUNT, recognized Mr. GILMAN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BLUNT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUNT, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Thursday, October 9, 1998, pursuant to the prior announcement of the Chair.

¶105.47 FORCED ABDUCTION OF UGANDAN CHILDREN

Mr. GILMAN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 309); as amended:

Whereas the rebel Lord's Resistance Army (LRA) has abducted approximately 10,000 children, some as young as 8 years old, in northern Uganda to support its efforts to overthrow the Government of Uganda;

Whereas the United Nations Commission on Human Rights in March 1998 condemned "in the strongest terms" the LRA's child abductions;

Whereas children kidnapped by the LRA are forced to raid and loot villages, fight in the front lines against the Ugandan army, serve as sexual slaves to rebel commanders,

and help kill other abducted children who try to escape;

Whereas the LRA, led by Joseph Kony, has continued to kill, torture, maim, rape, and abduct large numbers of civilians, virtually enslaving numerous children;

Whereas LRA child abductees serve as surrogates for Sudanese government forces against the south;

Whereas Sudanese government soldiers deliver food supplies, vehicles, ammunition, and arms to LRA base camps in government-controlled southern Sudan;

Whereas children who manage to escape from LRA captivity find their families displaced or deceased and have little access to rehabilitation programs, and in many instances their families are afraid for their children turned toy soldiers to return home;

Whereas children are conscripted, coerced, or tricked into volunteering for the armed forces and are sometimes sold to armies and armed groups by impoverished families;

Whereas the United Nations has recommended the establishment, through the Optional Protocol to the Convention on the Rights of the Child, of age 18 as the minimum age for recruitment and participation of individuals in armed forces; and

Whereas the International Committee of the Red Cross, the United Nations Children's Fund (UNICEF), the United Nations High Commission on Refugees, and the United Nations High Commissioner on Human Rights, as well as many nongovernmental organizations such as Amnesty International and Human Rights Watch, also support the establishment of 18 as the minimum age for military recruitment and participation in armed conflict: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the abduction of children by the Lord's Resistance Army (LRA) in northern Uganda and calls for the immediate release of all LRA child captives;

(2) urges Olara Otunnu, the recently appointed United Nations Special Representative on Children and Armed Conflict, to take appropriate measures to resolve the LRA problem;

(3) encourages the United Nations Committee on the Rights of the Child to investigate the situation in northern Uganda;

(4) calls on the Al-Bashir government to cease supporting the LRA in the abductions and kidnapping of children in Northern Uganda;

(5) calls on the President and the Secretary of State to support efforts to end the abduction of children by the LRA and obtain their release; and

(6) asks the President to provide more support to United Nations agencies and nongovernmental organizations working to rehabilitate former child soldiers and re-integrate them into society.

The SPEAKER pro tempore, Mr. BLUNT, recognized Mr. GILMAN and Mr. PAYNE, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. BLUNT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and

said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶105.48 FURTHER MESSAGE FROM THE SENATE

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

H.R. 4309. An Act to provide a comprehensive program of support for victims of torture.

The message also announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1853) "An Act to amend the Carl D. Perkins Vocational and Applied Technology Education Act."

¶105.49 SUSPENSION OF THE RULES NOTICE

Mr. MICA, pursuant to House Resolution 575, at 11:03 p.m. announced the Speaker would recognize Members for motions to suspend the rules under clause 2 of rule XXVII with respect to the following bills to be considered today: (H.R. 4651) to make minor and technical amendments relating to Federal Criminal Law and Procedure; (H.R. 1197) to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced and for other purposes or (S. 1072) Plane Patent Amendments; (H.R. 2431) to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engages in a pattern of religious persecution, and for other purposes; (H. Con. Res. 334) relating to Taiwan's participation in the World Health Organization; (H. Con. Res. 320) supporting the Baltic people of Estonia, Latvia, Lithuania, and condemning Nazi-Soviet Pact of Non-Agression of August 23, 1939; (S. 2094) to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds from the sale of certain items; (S. 2505) to direct the Secretary of the Interior to convey title to the Tunnison Lab Hagerman Field Station in Gooding County, Idaho, to the University of Idaho; (H. Con. Res. 214) recognizing the contributions of the cities of Bristol, Tennessee and Bristol, Virginia, and their people to the origins and development of Country Music, and for other purposes; (S. 2432) to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes; (H.R. 2616) to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools; A bill on Veterans' Programs Enhancement Act of 1998; (S.

852) to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles; (S. 1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law and for other purposes; (H.R. 4567) to amend title XVIII of the Social Security Act to make revisions in the per beneficiary and per visit payment limits on payment for health services under the Medicare program; (H.R. 4052) to establish designations for United States Postal Service buildings located in Coconut Grove, Opa Locka, Carol City, and Miami, Florida; (S. 2370) to designate the facility of the United States Postal Service located at Tall Timbers Village Square, United States Highway 19 Sosuth, in Thomasville, Georgia, as the "Lieutenant Henry O. Flipper Station"; (H.R. 2187) to designate the United States Courthouse located at 40 Foley Square in New York, New York, as the "Thurgood Marshall United States Courthouse"; and (H.R. 2560) to award congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of Central High School in Little Rock, Arkansas.

¶105.50 VETERANS EMPLOYMENT OPPORTUNITIES

Mr. MICA moved to suspend the rules and pass the bill of the Senate (S. 1021) to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive services, and for other purposes.

The SPEAKER pro tempore, Mr. BLUNT, recognized Mr. MICA and Mr. CUMMINGS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUNT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶105.51 FEDERAL EMPLOYEES LIFE INSURANCE

Mr. MICA moved to suspend the rules and agree to the following amendments of the Senate to the bill (H.R. 2675) to require that the Office of Personnel Management submit proposed legisla-

tion under which group universal life insurance and group variable universal life insurance would be available under chapter 87 of title 5, United States Code, and for other purposes:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees Life Insurance Improvement Act".

SEC. 2. STUDY AND REPORT ON CERTAIN LIFE INSURANCE OPTIONS OFFERED TO FEDERAL EMPLOYEES.

(a) *IN GENERAL.*—Not later than July 31, 1998, the Office of Personnel Management shall conduct a study on life insurance options for Federal employees described under subsection (b) and submit a report to Congress.

(b) *STUDY AND REPORT.*—The study and report referred to under subsection (a) shall—

(1) survey and ascertain the interest of Federal employees in an offering under chapter 87 of title 5, United States Code, of insurance coverage options relating to—

(A) group universal life insurance;

(B) group variable universal life insurance; and

(C) additional voluntary accidental death and dismemberment insurance; and

(2) include any comments, analysis, and recommendations of the Office of Personnel Management relating to such options.

SEC. 3. REPEAL OF MAXIMUM LIMITATION ON EMPLOYEE INSURANCE.

Chapter 87 of title 5, United States Code, is amended—

(1) in section 8701(c), in the first sentence, by striking the comma immediately following "\$10,000" and all that follows and inserting a period; and

(2) in section 8714b(b), in the first sentence, by striking "except" and all that follows and inserting a period.

SEC. 4. FOSTER CHILD COVERAGE.

Section 8701(d)(1)(B) of title 5, United States Code, is amended by inserting "or foster child" after "stepchild" both places it appears.

SEC. 5. INCONTASTABILITY OF ERRONEOUS COVERAGE.

Section 8706 of title 5, United States Code, as amended by section 5(2), is further amended by adding at the end the following new subsection:

"(g) The insurance of an employee under a policy purchased under section 8709 shall not be invalidated based on a finding that the employee erroneously became insured, or erroneously continued insurance upon retirement or entitlement to compensation under subchapter I of chapter 81 of this title, if such finding occurs after the erroneous insurance and applicable withholdings have been in force for 2 years during the employee's lifetime."

SEC. 6. DIRECT PAYMENT OF INSURANCE CONTRIBUTIONS.

Chapter 87 of title 5, United States Code, is amended—

(1) in section 8707—

(A) in subsection (a), by striking "(a) During" and inserting "(a) Subject to subsection (c)(2), during";

(B) in subsection (b), by striking "(b)(1) Whenever" and inserting "(b)(1) Subject to subsection (c)(2), whenever"; and

(C) in subsection (c), by inserting "(1)" immediately after "(c)" and by adding at the end the following new paragraph:

"(2) An employee who is subject to withholdings under this section and whose pay, annuity, or compensation is insufficient to cover such withholdings may nevertheless continue insurance if the employee arranges to pay currently into the Employees' Life Insurance Fund, through the agency or retirement system that administers pay, annuity, or compensation, an amount equal to the withholdings that would otherwise be required under this section."

(2) in section 8714a(d), by adding at the end the following new paragraph:

“(3) Notwithstanding paragraph (1), an employee who is subject to withholdings under this subsection and whose pay, annuity, or compensation is insufficient to cover such withholdings may nevertheless continue optional insurance if the employee arranges to pay currently into the Employees’ Life Insurance Fund, through the agency or retirement system which administers pay, annuity, or compensation, an amount equal to the withholdings that would otherwise be required under this subsection.”;

(3) in section 8714b(d), by adding at the end the following new paragraph:

“(3) Notwithstanding paragraph (1), an employee who is subject to withholdings under this subsection and whose pay, annuity, or compensation is insufficient to cover such withholdings may nevertheless continue additional optional insurance if the employee arranges to pay currently into the Employees’ Life Insurance Fund, through the agency or retirement system which administers pay, annuity, or compensation, an amount equal to the withholdings that would otherwise be required under this subsection.”; and

(4) in section 8714c(d), by adding at the end the following new paragraph:

“(3) Notwithstanding paragraph (1), an employee who is subject to withholdings under this subsection and whose pay, annuity, or compensation is insufficient to cover such withholdings may nevertheless continue optional life insurance on family members if the employee arranges to pay currently into the Employees’ Life Insurance Fund, through the agency or retirement system that administers pay, annuity, or compensation, an amount equal to the withholdings that would otherwise be required under this subsection.”.

SEC. 7. ADDITIONAL OPTIONAL LIFE INSURANCE CONTINUATION AND PORTABILITY.

(a) IN GENERAL.—Section 8714b of title 5, United States Code, is amended—

(1) in subsection (c)—

(A) by striking the last 2 sentences of paragraph (2); and

(B) by adding at the end the following:

“(3) The amount of additional optional insurance continued under paragraph (2) shall be continued, with or without reduction, in accordance with the employee’s written election at the time eligibility to continue insurance during retirement or receipt of compensation arises, as follows:

“(A) The employee may elect to have withholdings cease in accordance with subsection (d), in which case—

“(i) the amount of additional optional insurance continued under paragraph (2) shall be reduced each month by 2 percent effective at the beginning of the second calendar month after the date the employee becomes 65 years of age and is retired or is in receipt of compensation; and

“(ii) the reduction under clause (i) shall continue for 50 months at which time the insurance shall stop.

“(B) The employee may, instead of the option under subparagraph (A), elect to have the full cost of additional optional insurance continue to be withheld from such employee’s annuity or compensation on and after the date such withholdings would otherwise cease pursuant to an election under subparagraph (A), in which case the amount of additional optional insurance continued under paragraph (2) shall not be reduced, subject to paragraph (4).

“(C) An employee who does not make any election under the preceding provisions of this paragraph shall be treated as if such employee had made an election under subparagraph (A).

“(4) If an employee makes an election under paragraph (3)(B), that individual may subsequently cancel such election, in which case additional optional insurance shall be determined as if the individual had originally made an election under paragraph (3)(A).

“(5)(A) An employee whose additional optional insurance under this section would otherwise stop in accordance with paragraph (1) and who is not eligible to continue insurance under paragraph (2) may elect, under conditions prescribed by the Office of Personnel Management, to continue all or a portion of so much of the additional optional insurance as has been in force for not less than—

“(i) the 5 years of service immediately preceding the date of the event which would cause insurance to stop under paragraph (1); or

“(ii) the full period or periods of service during which the insurance was available to the employee, if fewer than 5 years.

at group rates established for purposes of this section, in lieu of conversion to an individual policy. The amount of insurance continued under this paragraph shall be reduced by 50 percent effective at the beginning of the second calendar month after the date the employee or former employee attains age 70 and shall stop at the beginning of the second calendar month after attainment of age 80, subject to a provision for temporary extension of life insurance coverage and for conversion to an individual policy of life insurance under conditions approved by the Office. Alternatively, insurance continued under this paragraph may be reduced or stopped at any time the employee or former employee elects.

“(B) When an employee or former employee elects to continue additional optional insurance under this paragraph following separation from service or 12 months without pay, the insured individual shall submit timely payment of the full cost thereof, plus any amount the Office determines necessary to cover associated administrative expenses, in such manner as the Office shall prescribe by regulation. Amounts required under this subparagraph shall be deposited, used, and invested as provided under section 8714 and shall be reported and accounted for together with amounts withheld under section 8714a(d).

“(C)(i) Subject to clause (ii), no election to continue additional optional insurance may be made under this paragraph 3 years after the effective date of this paragraph.

“(ii) On and after the date on which an election may not be made under clause (i), all additional optional insurance under this paragraph for former employees shall terminate, subject to a provision for temporary extension of life insurance coverage and for conversion to an individual policy of life insurance under conditions approved by the Office.”; and

(2) in the second sentence of subsection (d)(1) by inserting “if insurance is continued as provided under subsection (c)(3)(A),” after “except that,”.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Office of Personnel Management shall submit a report to Congress on additional optional insurance provided under section 8714b(c)(5) of title 5, United States Code (as added by subsection (a) of this section). Such report shall include recommendations on whether continuation for such additional optional insurance should terminate as provided under such section, be extended, or be made permanent.

(c) TECHNICAL AMENDMENT.—The last sentence of section 8714b(d)(1) of title 5, United States Code, is amended by inserting “(and any amounts withheld as provided in subsection (c)(3)(B))” after “Amounts so withheld”.

SEC. 8. IMPROVED OPTIONAL LIFE INSURANCE ON FAMILY MEMBERS.

(a) IN GENERAL.—Section 8714c(b) of title 5, United States Code, is amended to read as follows:

“(b)(1) The optional life insurance on family members provided under this section shall be made available to each eligible employee who has elected coverage under this section, under conditions the Office shall prescribe, in multiples, at the employee’s election, of 1, 2, 3, 4, or 5 times—

“(A) \$5,000 for a spouse; and

“(B) \$2,500 for each child described under section 8701(d).

“(2) An employee may reduce or stop coverage elected pursuant to this section at any time.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 8714c of title 5, United States Code, is amended—

(1) in subsection (c)(2), by striking “section 8714b(c)(2) of this title” and inserting “section 8714b(c) (2) through (4)”;

(2) in subsection (d)(1), by inserting before the last sentence the following: “Notwithstanding the preceding sentence, the full cost shall be continued after the calendar month in which the former employee becomes 65 years of age if, and for so long as, an election under this section corresponding to that described in section 8714b(c)(3)(B) remains in effect with respect to such former employee.”.

SEC. 9. OPEN SEASON.

Beginning not later than 180 days after the date of enactment of this Act, the Office of Personnel Management shall conduct an open enrollment opportunity for purposes of chapter 87 of title 5, United States Code, over a period of not less than 8 weeks. During this period, an employee (as defined under section 8701(a) of such title)—

(1) may, if the employee previously declined or voluntarily terminated any coverage under chapter 87 of such title, elect to begin, resume, or increase group life insurance (and acquire applicable accidental death and dismemberment insurance) under all sections of such chapter without submitting evidence of insurability; and

(2) may, if currently insured for optional life insurance on family members, elect an amount above the minimum insurance on a spouse.

SEC. 10. MERIT SYSTEM JUDICIAL REVIEW.

(a) IN GENERAL.—Section 7703 of title 5, United States Code, is amended—

(1) in subsection (b)(1) by striking “within 30 days” and inserting “within 60 days”;

(2) in subsection (d) in the first sentence, by inserting after “filing” the following: “, within 60 days after the date the Director received notice of the final order or decision of the Board,”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, and apply to any suit, action, or other administrative or judicial proceeding pending on such date or commenced on or after such date.

SEC. 11. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) MAXIMUM LIMITATION ON EMPLOYEE INSURANCE.—Section 3 shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

(c) ERRONEOUS COVERAGE.—Section 5 shall be effective in any case in which a finding of erroneous insurance coverage is made on or after the date of enactment of this Act.

(d) DIRECT PAYMENT OF INSURANCE CONTRIBUTIONS.—Section 6 shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

(e) ADDITIONAL OPTIONAL LIFE INSURANCE.—

(1) IN GENERAL.—Section 7 shall take effect on the first day of the first pay period that begins on or after the 180th day following the date of enactment of this Act, or on any earlier date that the Office of Personnel Management may prescribe that is at least 60 days after the date of enactment of this Act.

(2) REGULATIONS.—The Office shall prescribe regulations under which an employee may elect to continue additional optional insurance that remains in force on such effective date without subsequent reduction and with the full cost withheld from annuity or compensation on and after such effective date if that employee—

(A) separated from service before such effective date due to retirement or entitlement to

compensation under subchapter I of chapter 81 of title 5, United States Code; and

(B) continued additional optional insurance pursuant to section 8714b(c)(2) as in effect immediately before such effective date.

(f) IMPROVED OPTIONAL LIFE INSURANCE ON FAMILY MEMBERS.—The amendments made by section 8 shall take effect on the first day of the first pay period which begins on or after the 180th day following the date of enactment of this Act or on any earlier date that the Office of Personnel Management may prescribe.

(g) OPEN SEASON.—Any election made by an employee under section 9, and applicable withholdings, shall be effective on the first day of the first applicable pay period that—

(1) begins on or after the date occurring 365 days after the first day of the election period authorized under section 9; and

(2) follows a pay period in which the employee was in a pay and duty status.

The SPEAKER pro tempore, Mr. BLUNT, recognized Mr. MICA and Mr. CUMMINGS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendments?

The SPEAKER pro tempore, Mr. BLUNT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendments of the Senate were agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendments of the Senate were agreed to was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶105.52 IMPORTANCE OF CHILDREN AND FAMILIES

Mrs. MORELLA moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 302):

Whereas there is an epidemic of children in crisis in the United States caused by the increased stresses on children from contemporary society, which can even include instances of child abuse and neglect;

Whereas newspaper headlines, news reports, and various studies provide evidence that children are more frequently committing acts of violence, taking illegal drugs, and committing suicide, indicating that the future of the children of the United States, and therefore the future of the Nation, is at risk;

Whereas all families in the United States, regardless of their economic status, ethnic or cultural heritage, or geographic location, are experiencing the pressures caused by contemporary society while trying to raise and nurture their children;

Whereas it is imperative that the people of the United States act boldly to secure the future of the Nation by halting and healing the pain of children in crisis;

Whereas KidsPeace is the oldest, most successful, and most comprehensive not-for-profit organization dedicated solely to helping children attain the confidence and develop the courage necessary to confront and overcome crises;

Whereas KidsPeace has more than 1,500 caregivers helping more than 2,000 children each day in 25 locations across the United States;

Whereas KidsPeace established National KidsDay and National Family Month to recognize and focus attention on relationships between parents and children;

Whereas National KidsDay is celebrated on the third Saturday of September, during the period when children are returning to school, when children are subject to a very high level of stress, and when there is a critical need for children to feel honored, valued, supported, and loved;

Whereas National Family Month is celebrated during the five-week period between Mother's Day in May and Father's Day in June, which is a critical adjustment period for families to prepare for children to return to the home at the end of the school year and can provide a wonderful opportunity for families to prepare to use their time together during the summer to grow and strengthen as a family unit; and

Whereas these celebrations can provide opportunities for parents, grandparents, and caregivers to recognize the importance of being involved in the physical and emotional lives of their children: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the importance of children and families to the future of the United States;

(2) expresses support for the goals of National KidsDay and National Family Month, as established by KidsPeace; and

(3) encourages the people of the United States to participate in local and national activities and celebrations recognizing National KidsDay and National Family Month.

The SPEAKER pro tempore, Mr. BLUNT, recognized Mrs. MORELLA and Mr. CUMMINGS, each for 20 minutes.

FRIDAY, OCTOBER 9 (LEGISLATIVE DAY OF OCTOBER 8), 1998

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. BLUNT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶105.53 CAMPAIGN FINANCE SUNSHINE

Mr. MICA moved to suspend the rules and pass the bill (H.R. 2109) to amend the Federal Election Campaign Act of 1971 to require reports filed under such Act to be filed electronically and to require the Federal Election Commission to make such reports available to the public within 24 hours of receipt; as amended.

The SPEAKER pro tempore, Mr. BLUNT, recognized Mr. MICA and Mr. CLAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUNT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶105.54 CHILD NUTRITION REAUTHORIZATION

Mr. GOODLING moved to suspend the rules and agree to the following conference report (Rept No. 105-786):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3874), to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "William F. Goodling Child Nutrition Reauthorization Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS

- Sec. 101. Provision of commodities.
 Sec. 102. Nutritional and other program requirements.
 Sec. 103. Special assistance.
 Sec. 104. Miscellaneous provisions and definitions.
 Sec. 105. Summer food service program for children.
 Sec. 106. Commodity distribution program.
 Sec. 107. Child and adult care food program.
 Sec. 108. Meal supplements for children in afterschool care.
 Sec. 109. Pilot projects.
 Sec. 110. Training, technical assistance, and food service management institute.
 Sec. 111. Compliance and accountability.
 Sec. 112. Information clearinghouse.
 Sec. 113. Accommodation of the special dietary needs of individuals with disabilities.

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS

- Sec. 201. School breakfast program authorization.
 Sec. 202. State administrative expenses.
 Sec. 203. Special supplemental nutrition program for women, infants, and children.
 Sec. 204. Nutrition education and training.

TITLE III—COMMODITY DISTRIBUTION PROGRAMS

- Sec. 301. Information from recipient agencies.
 Sec. 302. Food distribution.

TITLE IV—EFFECTIVE DATE

- Sec. 401. Effective date.

TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS

SEC. 101. PROVISION OF COMMODITIES.

(a) IN GENERAL.—Section 6 of the National School Lunch Act (42 U.S.C. 1755) is amended—

- (1) by striking subsections (c) and (d); and
 (2) by redesignating subsections (e), (f), and (g) as subsections (c), (d), and (e), respectively.

(b) CONFORMING AMENDMENTS.—The National School Lunch Act is amended by striking “section 6(e)” each place it appears in sections 14(f), 16(a), and 17(h)(1)(B) (42 U.S.C. 1762a(f), 1765(a), 1766(h)(1)(B)) and inserting “section 6(c)”.

SEC. 102. NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS.

(a) TECHNICAL AMENDMENTS.—Section 9(f) of the National School Lunch Act (42 U.S.C. 1758(f)) is amended—

(1) in paragraph (2), by striking “subparagraph (A)” and inserting “paragraph (1)”; and

(2) in paragraphs (3) and (4), by striking “this paragraph” each place it appears and inserting “this subsection”.

(b) WAIVER OF REQUIREMENT FOR WEIGHTED AVERAGES FOR NUTRIENT ANALYSIS.—Section 9(f) of the National School Lunch Act (42 U.S.C. 1758(f)) is amended by adding at the end the following:

“(5) WAIVER OF REQUIREMENT FOR WEIGHTED AVERAGES FOR NUTRIENT ANALYSIS.—During the period ending on September 30, 2003, the Secretary shall not require the use of weighted averages for nutrient analysis of menu items and foods offered or served as part of a meal offered or served under the school lunch program under this Act or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).”

(c) REQUIREMENT FOR FOOD SAFETY INSPECTIONS.—Section 9 of the National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end the following:

“(h) FOOD SAFETY INSPECTIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a school participating in the school lunch program under this Act or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) shall, at least once during each school year, obtain a food safety inspection conducted by a State or local governmental agency responsible for food safety inspections.

“(2) EXCEPTION.—Paragraph (1) shall not apply to a school if a food safety inspection of the school is required by a State or local governmental agency responsible for food safety inspections.”

(d) SINGLE PERMANENT AGREEMENT BETWEEN STATE AGENCY AND SCHOOL FOOD AUTHORITY; COMMON CLAIMS FORM.—Section 9 of the National School Lunch Act (42 U.S.C. 1758), as amended by subsection (c), is further amended by adding at the end the following:

“(i) SINGLE PERMANENT AGREEMENT BETWEEN STATE AGENCY AND SCHOOL FOOD AUTHORITY; COMMON CLAIMS FORM.—

“(1) IN GENERAL.—If a single State agency administers any combination of the school lunch program under this Act, the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), the summer food service program for children under section 13 of this Act, or the child and adult care food program under section 17 of this Act, the agency shall—

“(A) require each school food authority to submit to the State agency a single agreement with respect to the operation by the authority of the programs administered by the State agency; and

“(B) use a common claims form with respect to meals and supplements served under the programs administered by the State agency.

“(2) ADDITIONAL REQUIREMENT.—The agreement described in paragraph (1)(A) shall be a permanent agreement that may be amended as necessary.”

SEC. 103. SPECIAL ASSISTANCE.

(a) SCHOOL ELIGIBILITY REQUIREMENTS FOR PAYMENTS.—Section 11(a)(1) of the National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended—

- (1) in subparagraph (C)—
 (A) in clause (i)(I), by striking “3 successive school years” each place it appears and inserting “4 successive school years”; and
 (B) in clauses (ii) and (iii), by striking “3-school-year period” each place it appears and inserting “4-school-year period”;

(2) in subparagraph (D)—

(A) in clause (i)—
 (i) by striking “3-school-year period” each place it appears and inserting “4-school-year period”; and

(ii) by striking “2 school years” and inserting “4 school years”;

(B) in clause (ii)—
 (i) by striking the first sentence;

(ii) by striking “The school” and inserting “A school described in clause (i)”; and

(iii) by striking “5-school-year period” each place it appears and inserting “4-school-year period”; and

(C) in clause (iii), by striking “5-school-year period” and inserting “4-school-year period”; and

(3) in subparagraph (E), by striking clause (iii).

(b) ADJUSTMENTS TO PAYMENT RATES.—
 (1) IN GENERAL.—Section 11(a)(3)(B) of the National School Lunch Act (42 U.S.C. 1759a(a)(3)(B)) is amended—

(A) by striking “(B) The annual” and inserting the following:

“(B) COMPUTATION OF ADJUSTMENT.—

“(i) IN GENERAL.—The annual”;

(B) by striking “Each annual” and inserting the following:

“(ii) BASIS.—Each annual”;

(C) by striking “The adjustments” and inserting the following:

“(iii) ROUNDING.—

(1) THROUGH JUNE 30, 1999.—For the period ending June 30, 1999, the adjustments”; and

(D) by adding at the end the following:

“(II) JULY 1, 1999, AND THEREAFTER.—On July 1, 1999, and on each subsequent July 1, the national average payment rates for meals and supplements shall be adjusted to the nearest lower cent increment and shall be based on the unrounded amounts for the preceding 12-month period.”

(2) CONFORMING AMENDMENTS.—Section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)) is amended—

(A) in the second sentence of paragraph (1)(B), by striking “adjusted to the nearest one-fourth cent.”; and

(B) in paragraph (2)(B)(ii), by striking “, which shall be adjusted” and all that follows and inserting “(as adjusted pursuant to section 11(a)(3)(B) of the National School Lunch Act (42 U.S.C. 1759a(a)(3)(B)))”.

(c) INFORMATION AND ASSISTANCE CONCERNING REIMBURSEMENT OPTIONS.—

(1) IN GENERAL.—Section 11 of the National School Lunch Act (42 U.S.C. 1759a) is amended by adding at the end the following:

“(f) INFORMATION AND ASSISTANCE CONCERNING REIMBURSEMENT OPTIONS.—

“(1) IN GENERAL.—From funds made available under paragraph (3), the Secretary shall provide grants to not more than 10 State agencies in each of fiscal years 2000 and 2001 to enable the agencies, in accordance with criteria established by the Secretary, to—

“(A) identify separately in a list—

“(i) schools that are most likely to benefit from electing to receive special assistance under subparagraph (C) or (E) of subsection (a)(1); and

“(ii) schools that may benefit from electing to receive special assistance under subparagraph (C) or (E) of subsection (a)(1);

“(B) make the list of schools identified under this subsection available to each school district within the State and to the public;

“(C) provide technical assistance to schools, or school districts containing the schools, to enable the schools to evaluate and receive special assistance under subparagraph (C) or (E) of subsection (a)(1);

“(D) take any other actions the Secretary determines are consistent with receiving special assistance under subparagraph (C) or (E) of subsection (a)(1) and receiving a grant under this subsection; and

“(E) as soon as practicable after receipt of the grant, but not later than September 30, 2001, take the actions described in subparagraphs (A) through (D).

“(2) REPORT.—

“(A) IN GENERAL.—Not later than January 1, 2002, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate a report on the activities of the State agencies receiving grants under this subsection.

“(B) CONTENTS.—In the report, the Secretary shall specify—

“(i) the number of schools identified as likely to benefit from electing to receive special assistance under subparagraph (C) or (E) of subsection (a)(1);

“(ii) the number of schools identified under this subsection that have elected to receive special assistance under subparagraph (C) or (E) of subsection (a)(1); and

“(iii) a description of how the funds and technical assistance made available under this subsection have been used.

“(3) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to

the Secretary \$2,250,000 for each of fiscal years 2000 and 2001 to carry out this subsection. The Secretary shall be entitled to receive the funds and shall accept the funds, without further appropriation."

(2) TECHNICAL AMENDMENTS.—The National School Lunch Act is amended in the second sentence of each of sections 21(e)(2)(A) and 26(d) (42 U.S.C. 1769b-1(e)(2)(A), 1769g(d)) by inserting at the end before the period ", without further appropriation".

SEC. 104. MISCELLANEOUS PROVISIONS AND DEFINITIONS.

(a) ADJUSTMENTS TO REIMBURSEMENT RATES.—Section 12(f) of the National School Lunch Act (42 U.S.C. 1760(f)) is amended—

(1) by striking "school breakfasts and lunches" and inserting "breakfasts, lunches, suppers, and supplements";

(2) by striking "sections 4 and 11" and inserting "sections 4, 11, 13, and 17"; and

(3) by striking "lunches and breakfasts" each place it appears and inserting "meals and supplements".

(b) CRIMINAL PENALTIES.—Section 12(g) of the National School Lunch Act (42 U.S.C. 1760(g)) is amended by striking "\$10,000" and inserting "\$25,000".

(c) FOOD AND NUTRITION PROJECTS.—Section 12(m) of the National School Lunch Act (42 U.S.C. 1760(m)) is amended by striking "1998" each place it appears and inserting "2003".

(d) BUY AMERICAN.—Section 12 of the National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end the following:

"(n) BUY AMERICAN.—

"(1) DEFINITION OF DOMESTIC COMMODITY OR PRODUCT.—In this subsection, the term 'domestic commodity or product' means—

"(A) an agricultural commodity that is produced in the United States; and

"(B) a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States.

"(2) REQUIREMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall require that a school food authority purchase, to the maximum extent practicable, domestic commodities or products.

"(B) LIMITATIONS.—Subparagraph (A) shall apply only to—

"(i) a school food authority located in the contiguous United States; and

"(ii) a purchase of a domestic commodity or product for the school lunch program under this Act or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773)."

"(3) APPLICABILITY TO HAWAII.—Paragraph (2)(A) shall apply to a school food authority in Hawaii with respect to domestic commodities or products that are produced in Hawaii in sufficient quantities to meet the needs of meals provided under the school lunch program under this Act or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773)."

(e) PROCUREMENT CONTRACTS.—Section 12 of the National School Lunch Act (42 U.S.C. 1760), as amended by subsection (d), is further amended by adding at the end the following:

"(o) PROCUREMENT CONTRACTS.—In acquiring a good or service for programs under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (other than section 17 of that Act (42 U.S.C. 1786)), a State, State agency, school, or school food authority may enter into a contract with a person that has provided specification information to the State, State agency, school, or school food authority for use in developing contract specifications for acquiring such good or service."

SEC. 105. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) ESTABLISHMENT OF SITE LIMITATION.—Section 13(a)(7)(B) of the National School Lunch Act (42 U.S.C. 1761(a)(7)(B)) is amended by striking clause (i) and inserting the following:

"(i) operate—

"(I) not more than 25 sites, with not more than 300 children being served at any 1 site; or

"(II) with a waiver granted by the State agency under standards developed by the Secretary, with not more than 500 children being served at any 1 site;".

(b) ELIMINATION OF MEAL CONTRACTING RESTRICTIONS, INDICATION OF INTEREST REQUIREMENT, AND VENDOR REGISTRATION REQUIREMENTS.—Section 13 of the National School Lunch Act (42 U.S.C. 1761) is amended—

(1) in subsection (a)(7)(B)—

(A) by striking clauses (ii) and (iii); and

(B) by redesignating clauses (iv) through (vii) as clauses (ii) through (v) respectively; and

(2) in subsection (l)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking "(other than private nonprofit organizations eligible under subsection (a)(7))"; and

(II) by striking "only with food service management companies registered with the State in which they operate" and inserting "with food service management companies"; and

(ii) by striking the last sentence;

(B) in paragraph (2)—

(i) in the first sentence, by striking "shall" and inserting "may"; and

(ii) by striking the second and third sentences;

(C) by striking paragraph (3); and

(D) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(c) OFFER VERSUS SERVE.—Section 13(f)(7) of the National School Lunch Act (42 U.S.C. 1761(f)(7)) is amended in the first sentence by striking "attending a site on school premises operated directly by the authority".

(d) REAUTHORIZATION OF PROGRAM.—Section 13(q) of the National School Lunch Act (42 U.S.C. 1761(q)) is amended by striking "1998" and inserting "2003".

(e) TECHNICAL AMENDMENT.—

(1) IN GENERAL.—Section 706(j)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2293) is amended by striking "methods of assessing" and inserting "methods for assessing".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on January 1, 1997.

SEC. 106. COMMODITY DISTRIBUTION PROGRAM.

Section 14(a) of the National School Lunch Act (42 U.S.C. 1762a(a)) is amended in the matter preceding paragraph (1) by striking "1998" and inserting "2003".

SEC. 107. CHILD AND ADULT CARE FOOD PROGRAM.

(a) ELIGIBILITY OF INSTITUTIONS.—Section 17(a) of the National School Lunch Act (42 U.S.C. 1766(a)) is amended—

(1) in the fourth sentence, by striking "Reimbursement" and inserting "Except as provided in subsection (r), reimbursement"; and

(2) in the sixth sentence, by striking paragraph (1) and inserting the following:

"(1) an institution (except a school or family or group day care home sponsoring organization) or family or group day care home shall—

"(A)(i) be licensed, or otherwise have approval, by the appropriate Federal, State, or local licensing authority; or

"(ii) be in compliance with appropriate procedures for renewing participation in the

program, as prescribed by the Secretary, and not be the subject of information possessed by the State indicating that the license of the institution or home will not be renewed;

"(B) if Federal, State, or local licensing or approval is not available—

"(i) meet any alternate approval standards established by the appropriate State or local governmental agency; or

"(ii) meet any alternate approval standards established by the Secretary after consultation with the Secretary of Health and Human Services; or

"(C) if the institution provides care to school children outside of school hours and Federal, State, or local licensing or approval is not required for the institution, meet State or local health and safety standards; and"

(b) AUTOMATIC ELIGIBILITY FOR EVEN START PROGRAM PARTICIPANTS.—Section 17(c)(6) of the National School Lunch Act (42 U.S.C. 1766(c)(6)) is amended—

(1) in subparagraph (A), by striking "(A)"; and

(2) by striking subparagraph (B).

(c) PERIODIC SITE VISITS.—Section 17(d) of the National School Lunch Act (42 U.S.C. 1766(d)) is amended—

(1) in the second sentence of paragraph (1), by inserting after "if it" the following: "has been visited by a State agency prior to approval and it"; and

(2) in paragraph (2)(A)—

(A) by striking "that allows" and inserting "that—

"(i) allows";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(ii) requires periodic site visits to private institutions that the State agency determines have a high probability of program abuse."

(d) TAX EXEMPT STATUS AND REMOVAL OF NOTIFICATION REQUIREMENT FOR INCOMPLETE APPLICATIONS.—Section 17(d)(1) of the National School Lunch Act (42 U.S.C. 1766(d)(1)) is amended—

(1) by inserting after the third sentence the following: "An institution moving toward compliance with the requirement for tax exempt status shall be allowed to participate in the child and adult care food program for a period of not more than 180 days, except that a State agency may grant a single extension of not to exceed an additional 90 days if the institution demonstrates, to the satisfaction of the State agency, that the inability of the institution to obtain tax exempt status within the 180-day period is due to circumstances beyond the control of the institution."; and

(2) by striking the last sentence.

(e) USE OF FUNDS FOR AUDITS.—Section 17(i) of the National School Lunch Act (42 U.S.C. 1766(i)) is amended by striking "2 percent" and inserting "1.5 percent (except, in the case of each of fiscal years 2005 through 2007, 1 percent)".

(f) PERMANENT AUTHORIZATION OF DEMONSTRATION PROJECT.—Section 17(p) of the National School Lunch Act (42 U.S.C. 1766(p)) is amended by striking paragraphs (4) and (5).

(g) MANAGEMENT SUPPORT.—Section 17 of the National School Lunch Act (42 U.S.C. 1766) is amended by adding at the end the following:

"(q) MANAGEMENT SUPPORT.—

"(1) TECHNICAL AND TRAINING ASSISTANCE.—In addition to the training and technical assistance that is provided to State agencies under other provisions of this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), the Secretary shall provide training and technical assistance in order to assist the State agencies in improving their pro-

gram management and oversight under this section.

“(2) FUNDING.—For each of fiscal years 1999 through 2003, the Secretary shall reserve to carry out paragraph (1) \$1,000,000 of the amounts made available to carry out this section.”

(h) PARTICIPATION BY AT-RISK CHILD CARE PROGRAMS.—Section 17 of the National School Lunch Act (42 U.S.C. 1766), as amended by subsection (g), is further amended by adding at the end the following:

“(r) PROGRAM FOR AT-RISK SCHOOL CHILDREN.—

“(1) DEFINITION OF AT-RISK SCHOOL CHILD.—In this subsection, the term ‘at-risk school child’ means a school child who—

“(A) is not more than 18 years of age, except that the age limitation provided by this subparagraph shall not apply to a child described in section 12(d)(1)(A); and

“(B) participates in a program authorized under this section operated at a site located in a geographical area served by a school in which at least 50 percent of the children enrolled are certified as eligible to receive free or reduced price school meals under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(2) PARTICIPATION IN CHILD AND ADULT CARE FOOD PROGRAM.—An institution may participate in the program authorized under this section only if the institution provides supplements under a program—

“(A) organized primarily to provide care to at-risk school children during after-school hours, weekends, or holidays during the regular school year; and

“(B) with an educational or enrichment purpose.

“(3) ADMINISTRATION.—Except as otherwise provided in this subsection, the other provisions of this section apply to an institution described in paragraph (2).

“(4) SUPPLEMENT REIMBURSEMENT.—

“(A) LIMITATIONS.—An institution may claim reimbursement under this subsection only for—

“(i) a supplement served under a program organized primarily to provide care to at-risk school children during after-school hours, weekends, or holidays during the regular school year; and

“(ii) 1 supplement per child per day.

“(B) RATE.—A supplement shall be reimbursed under this subsection at the rate established for a free supplement under subsection (c)(3).

“(C) NO CHARGE.—A supplement claimed for reimbursement under this subsection shall be served without charge.”

(i) WIC INFORMATION.—Section 17 of the National School Lunch Act (42 U.S.C. 1766), as amended by subsection (h), is further amended by adding at the end the following:

“(s) INFORMATION CONCERNING THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.—

“(1) IN GENERAL.—The Secretary shall provide each State agency administering a child and adult care food program under this section with information concerning the special supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

“(2) REQUIREMENTS FOR STATE AGENCIES.—Each State agency shall ensure that each participating family and group day care home and child care center (other than an institution providing care to school children outside school hours)—

“(A) receives materials that include—

“(i) a basic explanation of the importance and benefits of the special supplemental nutrition program for women, infants, and children;

“(ii) the maximum State income eligibility standards, according to family size, for the program; and

“(iii) information concerning how benefits under the program may be obtained;

“(B) receives periodic updates of the information described in subparagraph (A); and

“(C) provides the information described in subparagraph (A) to parents of enrolled children at enrollment.”

(j) TRANSFER OF HOMELESS PROGRAMS.—

(1) IN GENERAL.—Section 17 of the National School Lunch Act (42 U.S.C. 1766), as amended by subsection (i), is further amended by adding at the end the following:

“(t) PARTICIPATION BY EMERGENCY SHELTERS.—

“(1) DEFINITION OF EMERGENCY SHELTER.—In this subsection, the term ‘emergency shelter’ means—

“(A) an emergency shelter (as defined in section 321 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11351)); or

“(B) a site operated by the shelter.

“(2) ADMINISTRATION.—Except as otherwise provided in this subsection, an emergency shelter shall be eligible to participate in the program authorized under this section in accordance with the terms and conditions applicable to eligible institutions described in subsection (a).

“(3) LICENSING REQUIREMENTS.—The licensing requirements contained in subsection (a)(1) shall not apply to an emergency shelter.

“(4) HEALTH AND SAFETY STANDARDS.—To be eligible to participate in the program authorized under this section, an emergency shelter shall comply with applicable State or local health and safety standards.

“(5) MEAL OR SUPPLEMENT REIMBURSEMENT.—

“(A) LIMITATIONS.—An emergency shelter may claim reimbursement under this subsection—

“(i) only for a meal or supplement served to children residing at an emergency shelter, if the children are—

“(I) not more than 12 years of age;

“(II) children of migrant workers, if the children are not more than 15 years of age; or

“(III) children with disabilities; and

“(ii) for not more than 3 meals, or 2 meals and a supplement, per child per day.

“(B) RATE.—A meal or supplement eligible for reimbursement shall be reimbursed at the rate at which free meals and supplements are reimbursed under subsection (c).

“(C) NO CHARGE.—A meal or supplement claimed for reimbursement shall be served without charge.”

(2) CONFORMING AMENDMENTS.—

(A) Section 13(a)(3)(C) of the National School Lunch Act (42 U.S.C. 1761(a)(3)(C)) is amended—

(i) in clause (i), by adding “or” at the end;

(ii) by striking clause (ii); and

(iii) by redesignating clause (iii) as clause (ii).

(B) Section 17(a) of the National School Lunch Act (42 U.S.C. 1766(a)) is amended in the third sentence—

(i) by striking “and public” and inserting “public”; and

(ii) by inserting before the period at the end the following: “, and emergency shelters (as provided in subsection (t))”.

(C)(i) Section 17B of the National School Lunch Act (42 U.S.C. 1766b) is repealed.

(ii) Section 25(b)(1) of the National School Lunch Act (42 U.S.C. 1769f(b)(1)) is amended—

(I) by striking subparagraph (D); and

(II) by redesignating subparagraphs (E) through (G) as subparagraphs (D) through (F), respectively.

(3) TECHNICAL AMENDMENTS.—

(A) Section 12(d) of the National School Lunch Act (42 U.S.C. 1760(d)) is amended—

(i) in paragraph (1)(A), by striking “mental or physical” each place it appears; and

(ii) by adding at the end the following:

“(8) DISABILITY.—The term ‘disability’ has the meaning given the term in the Rehabilitation Act of 1973 for purposes of title II of that Act (29 U.S.C. 760 et seq.).”

(B) Section 13(a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)) is amended in subparagraph (D) of the second sentence—

(i) in clause (i), by striking “to be mentally or physically handicapped” and inserting “to have a disability”; and

(ii) in clause (ii), by striking “the mentally or physically handicapped” and inserting “individuals who have a disability”.

(C) Section 17(a) of the National School Lunch Act (42 U.S.C. 1766(a)) is amended by striking “handicaps” each place it appears and inserting “disabilities”.

(D) Section 15 of the Child Nutrition Act of 1966 (42 U.S.C. 1784) is amended—

(i) in paragraph (6), by striking “mental or physical handicaps” each place it appears and inserting “disabilities”; and

(ii) by adding at the end the following:

“(7) DISABILITY.—The term ‘disability’ has the meaning given the term in the Rehabilitation Act of 1973 for purposes of title II of that Act (29 U.S.C. 760 et seq.).”

(4) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) take effect on July 1, 1999.

SEC. 108. MEAL SUPPLEMENTS FOR CHILDREN IN AFTERSCHOOL CARE.

(a) GENERAL AUTHORITY.—Section 17A(a) of the National School Lunch Act (42 U.S.C. 1766a(a)) is amended—

(1) in paragraph (1), by striking “supplements to” and inserting “supplements under a program organized primarily to provide care for”; and

(2) in paragraph (2), by striking subparagraph (C) and inserting the following:

“(C) operate afterschool programs with an educational or enrichment purpose.”

(b) ELIGIBLE CHILDREN.—Section 17A(b) of the National School Lunch Act (42 U.S.C. 1766a(b)) is amended by striking “served to children” and all that follows and inserting “served to school children who are not more than 18 years of age, except that the age limitation provided by this subsection shall not apply to a child described in section 12(d)(1)(A).”

(c) REIMBURSEMENT.—Section 17A(c) of the National School Lunch Act (42 U.S.C. 1766a(c)) is amended by striking “(c) REIMBURSEMENT.—For” and inserting the following:

“(c) REIMBURSEMENT.—

“(1) AT-RISK SCHOOL CHILDREN.—In the case of an eligible child who is participating in a program authorized under this section operated at a site located in a geographical area served by a school in which at least 50 percent of the children enrolled are certified as eligible to receive free or reduced price school meals under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), a supplement provided under this section to the child shall be—

“(A) reimbursed at the rate at which free supplements are reimbursed under section 17(c)(3); and

“(B) served without charge.

“(2) OTHER SCHOOL CHILDREN.—In the case of an eligible child who is participating in a program authorized under this section at a site that is not described in paragraph (1), for”.

SEC. 109. PILOT PROJECTS.

(a) IN GENERAL.—Section 18 of the National School Lunch Act (42 U.S.C. 1769) is amended by striking subsections (c), (e), (g), and (h).

(b) BREAKFAST PILOT PROJECTS.—Section 18(i) of the National School Lunch Act (42 U.S.C. 1769(i)) is amended to read as follows:

"(i) BREAKFAST PILOT PROJECTS.—

"(1) IN GENERAL.—Subject to the availability of funds made available under paragraph (10), for a period of 3 successive school years, the Secretary shall make grants to State agencies to conduct pilot projects in elementary schools under the jurisdiction of not more than 6 school food authorities approved by the Secretary to—

"(A) reduce paperwork, simplify meal counting requirements, and make changes that will increase participation in the school breakfast program; and

"(B) evaluate the effect of providing free breakfasts to elementary school children, without regard to family income, on participation, academic achievement, attendance and tardiness, and dietary intake over the course of a day.

"(2) NOMINATIONS.—A State agency that seeks a grant under this subsection shall submit to the Secretary nominations of school food authorities to participate in a pilot project under this subsection

"(3) APPROVAL.—The Secretary shall approve for participation in pilot projects under this subsection elementary schools under the jurisdiction of not more than 6 nominated school food authorities selected so as to—

"(A) provide for an equitable distribution of pilot projects among urban and rural elementary schools;

"(B) provide for an equitable distribution of pilot projects among elementary schools of varying family income levels; and

"(C) permit the evaluation of pilot projects to distinguish the effects of the pilot projects from other factors, such as changes or differences in educational policies or program.

"(4) GRANTS TO SCHOOL FOOD AUTHORITIES.—A State agency receiving a grant under paragraph (1) shall make grants to school food authorities to conduct the pilot projects described in paragraph (1).

"(5) DURATION OF PILOT PROJECTS.—Subject to the availability of funds made available to carry out this subsection, a school food authority receiving amounts under a grant to conduct a pilot project described in paragraph (1) shall conduct the project during a period of 3 successive school years.

"(6) WAIVER AUTHORITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may waive the requirements of this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) relating to counting of meals, applications for eligibility, and related requirements that would preclude the Secretary from making a grant to conduct a pilot project under paragraph (1).

"(B) NONWAIVABLE REQUIREMENTS.—The Secretary may not waive a requirement under subparagraph (A) if the waiver would prevent a program participant, a potential program participant, or a school from receiving all of the benefits and protections of this Act, the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or a Federal law (including a regulation) that protects an individual constitutional right or a statutory civil right.

"(7) REQUIREMENTS FOR PARTICIPATION IN PILOT PROJECT.—To be eligible to participate in a pilot project under this subsection—

"(A) a State agency—

"(i) shall submit an application to the Secretary at such time and in such manner as the Secretary shall establish to meet criteria the Secretary has established to enable a valid evaluation to be conducted; and

"(ii) shall provide such information relating to the operation and results of the pilot project as the Secretary may reasonably require; and

"(B) a school food authority—

"(i) shall agree to serve all breakfasts at no charge to all children enrolled in participating elementary schools;

"(ii) shall not have a history of violations of this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

"(iii) shall have, under the jurisdiction of the school food authority, a sufficient number of elementary schools that are not participating in the pilot projects to permit a valid evaluation of the effects of the pilot projects; and

"(iv) shall meet all other requirements that the Secretary may reasonably require.

"(8) EVALUATION OF PILOT PROJECTS.—

"(A) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall conduct an evaluation of the pilot projects conducted by the school food authorities selected for participation.

"(B) CONTENT.—The evaluation shall include—

"(i) a determination of the effect of participation in the pilot project on the academic achievement, attendance and tardiness, and dietary intake over the course of a day of participating children that is not attributable to changes in educational policies and practices; and

"(ii) a determination of the effect that participation by elementary schools in the pilot project has on the proportion of students who eat breakfast and on the paperwork required to be completed by the schools.

"(C) REPORT.—On completion of the pilot projects and the evaluation, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the evaluation of the pilot projects required under subparagraph (A).

"(9) REIMBURSEMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a school conducting a pilot project under this subsection shall receive a total Federal reimbursement under the school breakfast program in an amount that is equal to the total Federal reimbursement for the school for the prior year under the program (adjusted to reflect changes in the series for food away from home of the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor and adjusted for fluctuations in enrollment).

"(B) EXCESS NEEDS.—Funds required for the pilot project in excess of the level of reimbursement received by the school for the prior year (adjusted to reflect changes described in subparagraph (A) and adjusted for fluctuations in enrollment) may be taken from any non-Federal source or from amounts provided under this subsection.

"(10) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

"(B) REQUIREMENT.—No amounts may be provided under this subsection unless specifically provided in appropriations Acts."

(c) CONFORMING AMENDMENTS.—

(1) Section 18 of the National School Lunch Act (42 U.S.C. 1769), as amended by subsections (a) and (b), is further amended by redesignating subsections (d), (f), and (i) as subsections (c), (d), and (e), respectively.

(2) Section 101(b) of the Child Nutrition Amendments of 1992 (42 U.S.C. 1769 note; Public Law 102-342) is amended—

(A) in paragraph (1)—

(i) by striking "(1)"; and

(ii) by striking "other than those required under section 18(c) of the National School Lunch Act (42 U.S.C. 1769(c)) to identify other" and inserting "to identify"; and

(B) by striking paragraph (2).

SEC. 110. TRAINING, TECHNICAL ASSISTANCE, AND FOOD SERVICE MANAGEMENT INSTITUTE.

(a) TECHNICAL AMENDMENTS.—Section 21(c)(2) of the National School Lunch Act (42 U.S.C. 1769b-1(c)(2)) is amended by striking "of section 24" each place it appears in subparagraphs (F) and (H) and inserting "established by the Secretary".

(b) TRAINING AND TECHNICAL ASSISTANCE.—Section 21(e)(1) of the National School Lunch Act (42 U.S.C. 1769b-1(e)(1)) is amended by striking "1998" and inserting "2003".

(c) FOOD SERVICE MANAGEMENT INSTITUTE.—Section 21(e)(2)(A) of the National School Lunch Act (42 U.S.C. 1769b-1(e)(2)(A)) is amended in the first sentence by striking "and \$2,000,000 for fiscal year 1996 and each subsequent fiscal year," and inserting "\$2,000,000 for each of fiscal years 1996 through 1998, and \$3,000,000 for fiscal year 1999 and each subsequent fiscal year."

SEC. 111. COMPLIANCE AND ACCOUNTABILITY.

Section 22(d) of the National School Lunch Act (42 U.S.C. 1769c(d)) is amended by striking "1996" and inserting "2003".

SEC. 112. INFORMATION CLEARINGHOUSE.

Section 26(d) of the National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking "and \$100,000 for fiscal year 1998" and inserting "\$100,000 for fiscal year 1998, and \$166,000 for each of fiscal years 1999 through 2003".

SEC. 113. ACCOMMODATION OF THE SPECIAL DIETARY NEEDS OF INDIVIDUALS WITH DISABILITIES.

Section 27 of the National School Lunch Act (42 U.S.C. 1769h) is amended to read as follows:

"SEC. 27. ACCOMMODATION OF THE SPECIAL DIETARY NEEDS OF INDIVIDUALS WITH DISABILITIES.

"(a) DEFINITIONS.—In this section:

"(1) COVERED PROGRAM.—The term 'covered program' means—

"(A) the school lunch program authorized under this Act;

"(B) the school breakfast program authorized under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

"(C) any other program authorized under this Act or the Child Nutrition Act of 1966 (except for section 17) that the Secretary determines is appropriate.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a school food authority, institution, or service institution that participates in a covered program.

"(b) ACTIVITIES.—The Secretary may carry out activities to help accommodate the special dietary needs of individuals with disabilities who are participating in a covered program. The activities may include—

"(1) developing and disseminating to State agencies guidance and technical assistance materials;

"(2) conducting training of State agencies and eligible entities; and

"(3) providing grants to State agencies and eligible entities.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2003."

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS**SEC. 201. SCHOOL BREAKFAST PROGRAM AUTHORIZATION.**

Section 4(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(a)) is amended in the first sentence by striking "and to carry out the provisions of subsection (g)".

SEC. 202. STATE ADMINISTRATIVE EXPENSES.

(a) HOMELESS SHELTERS.—Section 7(a)(5)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(5)(B)) is amended to read as follows:

"(B) REALLOCATION OF FUNDS.—

“(i) RETURN TO SECRETARY.—For each fiscal year, any amounts appropriated that are not obligated or expended during the fiscal year and are not carried over for the succeeding fiscal year under subparagraph (A) shall be returned to the Secretary.

“(ii) REALLOCATION BY SECRETARY.—The Secretary shall allocate, for purposes of administrative costs, any remaining amounts among States that demonstrate a need for the amounts.”.

(b) ELIMINATION OF 10 PERCENT TRANSFER LIMITATION.—Section 7(a)(6) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(6)) is amended to read as follows:

“(6) USE OF ADMINISTRATIVE FUNDS.—Funds available to a State under this subsection and under section 13(k)(1) of the National School Lunch Act (42 U.S.C. 1761(k)(1)) may be used by the State for the costs of administration of the programs authorized under this Act (except for the programs authorized under sections 17 and 21) and the National School Lunch Act (42 U.S.C. 1751 et seq.) without regard to the basis on which the funds were earned and allocated.”.

(c) REAUTHORIZATION OF PROGRAM.—Section 7(g) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(g)) is amended by striking “1998” and inserting “2003”.

SEC. 203. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

(a) ADDITIONAL REQUIREMENTS FOR APPLICANTS.—

(1) PHYSICAL PRESENCE REQUIREMENT.—Section 17(d)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)) is amended by adding at the end the following:

“(C) PHYSICAL PRESENCE.—

“(i) IN GENERAL.—Except as provided in clause (ii) and subject to the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), each individual seeking certification or recertification for participation in the program shall be physically present at each certification or recertification determination in order to determine eligibility under the program.

“(ii) WAIVERS.—If the agency determines that the requirement of clause (i) would present an unreasonable barrier to participation, a local agency may waive the requirement of clause (i) with respect to—

“(I) an infant or child who—

“(aa) was present at the initial certification visit; and

“(bb) is receiving ongoing health care from a provider other than the local agency; or

“(II) an infant or child who—

“(aa) was present at the initial certification visit;

“(bb) was present at a certification or recertification determination within the 1-year period ending on the date of the certification or recertification determination described in clause (i); and

“(cc) has 1 or more parents who work.”.

(2) INCOME DOCUMENTATION REQUIREMENT.—Section 17(d)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)), as amended by paragraph (1), is further amended by adding at the end the following:

“(D) INCOME DOCUMENTATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), in order to participate in the program pursuant to clause (i) of paragraph (2)(A), an individual seeking certification or recertification for participation in the program shall provide documentation of family income.

“(ii) WAIVERS.—A State agency may waive the documentation requirement of clause (i), in accordance with criteria established by the Secretary, with respect to—

“(I) an individual for whom the necessary documentation is not available; or

“(II) an individual, such as a homeless woman or child, for whom the agency determines the requirement of clause (i) would present an unreasonable barrier to participation.”.

(3) ADJUNCT DOCUMENTATION REQUIREMENT.—Section 17(d)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)), as amended by paragraph (2), is further amended by adding at the end the following:

“(E) ADJUNCT DOCUMENTATION.—In order to participate in the program pursuant to clause (ii) or (iii) of paragraph (2)(A), an individual seeking certification or recertification for participation in the program shall provide documentation of receipt of assistance described in that clause.”.

(b) EDUCATION AND EDUCATIONAL MATERIALS RELATING TO EFFECTS OF DRUG AND ALCOHOL USE.—Section 17(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(e)(1)) is amended by adding at the end the following: “A local agency participating in the program shall provide education or educational materials relating to the effects of drug and alcohol use by a pregnant, postpartum, or breastfeeding woman on the developing child of the woman.”.

(c) DISTRIBUTION OF NUTRITION EDUCATION MATERIALS.—Section 17(e)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(e)(3)) is amended—

(1) by striking “(3) The” and inserting the following:

“(3) NUTRITION EDUCATION MATERIALS.—

“(A) IN GENERAL.—The”; and

(2) by adding at the end the following:

“(B) SHARING OF MATERIALS.—The Secretary may provide, in bulk quantity, nutrition education materials (including materials promoting breastfeeding) developed with funds made available for the program authorized under this section to State agencies administering the commodity supplemental food program authorized under sections 4(a) and 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93-86) at no cost to that program.”.

(d) USE OF CLAIMS FROM VENDORS AND PARTICIPANTS.—Section 17(f)(21) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(21)) is amended to read as follows:

“(21) USE OF CLAIMS FROM VENDORS AND PARTICIPANTS.—A State agency may use funds recovered from vendors and participants, as a result of a claim arising under the program, to carry out the program during—

“(A) the fiscal year in which the claim arises;

“(B) the fiscal year in which the funds are collected; and

“(C) the fiscal year following the fiscal year in which the funds are collected.”.

(e) INDIVIDUALS PARTICIPATING AT MORE THAN 1 SITE.—Section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) is amended by adding at the end the following:

“(23) INDIVIDUALS PARTICIPATING AT MORE THAN 1 SITE.—Each State agency shall implement a system designed by the State agency to identify individuals who are participating at more than 1 site under the program.”.

(f) IDENTIFICATION OF HIGH RISK VENDORS; COMPLIANCE INVESTIGATIONS.—

(1) IN GENERAL.—Section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)), as amended by subsection (e), is further amended by adding at the end the following:

“(24) HIGH RISK VENDORS.—Each State agency shall—

“(A) identify vendors that have a high probability of program abuse; and

“(B) conduct compliance investigations of the vendors.”.

(2) REGULATIONS.—The Secretary of Agriculture shall promulgate—

(A) not later than March 1, 1999, proposed regulations to carry out section 17(f)(24) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(24)), as added by paragraph (1); and

(B) not later than March 1, 2000, final regulations to carry out section 17(f)(24) of that Act.

(g) REAUTHORIZATION OF PROGRAM.—Section 17(g)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(1)) is amended in the first sentence by striking “1998” and inserting “2003”.

(h) PURCHASE OF BREAST PUMPS.—Section 17(h)(1)(C) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(1)(C)) is amended—

(1) by striking “(C) In” and inserting the following:

“(C) REMAINING AMOUNTS.—

“(i) IN GENERAL.—Except as provided in clause (ii), in”; and

(2) by adding at the end the following:

“(ii) BREAST PUMPS.—A State agency may use amounts made available under clause (i) for the purchase of breast pumps.”.

(i) NUTRITION SERVICES AND ADMINISTRATION.—

(1) ALLOCATION OF AMOUNTS.—Section 17(h)(2)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(2)(A)) is amended in the first sentence by striking “1998” and inserting “2003”.

(2) TECHNICAL AMENDMENT.—Section 17(h)(2)(A)(iv) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(2)(A)(iv)) is amended by striking “, to the extent funds are not already provided under subparagraph (I)(v) for the same purpose.”.

(3) LEVEL OF PER-PARTICIPANT EXPENDITURE FOR NUTRITION SERVICES AND ADMINISTRATION.—Section 17(h)(2)(B)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(2)(B)(ii)) is amended by striking “15 percent” and inserting “10 percent (except that the Secretary may establish a higher percentage for State agencies that are small)”.

(4) TECHNICAL AMENDMENTS.—Section 17(h)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(3)) is amended—

(A) in subparagraph (E), by striking “In the case” and all that follows through “subsequent fiscal year,” and inserting “For each fiscal year;” and

(B) by striking subparagraphs (F) and (G).

(5) CONVERSION OF AMOUNTS FOR SUPPLEMENTAL FOODS TO AMOUNTS FOR NUTRITION SERVICES AND ADMINISTRATION.—Section 17(h)(5)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(5)(A)) is amended in the matter preceding clause (i) by striking “achieves” and all that follows through “such State agency may” and inserting “submits a plan to reduce average food costs per participant and to increase participation above the level estimated for the State agency, the State agency may, with the approval of the Secretary.”.

(j) INFANT FORMULA PROCUREMENT.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) is amended by adding at the end the following:

“(iii) COMPETITIVE BIDDING SYSTEM.—A State agency using a competitive bidding system for infant formula shall award contracts to bidders offering the lowest net price unless the State agency demonstrates to the satisfaction of the Secretary that the weighted average retail price for different brands of infant formula in the State does not vary by more than 5 percent.”.

(k) INFRASTRUCTURE AND BREASTFEEDING PROMOTION AND SUPPORT ACTIVITIES.—Section 17(h)(10)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)(A)) is amended by striking “1998” and inserting “2003”.

(l) CONSIDERATION OF PRICE LEVELS OF RETAIL STORES FOR PARTICIPATION IN PROGRAM.—

(1) IN GENERAL.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by adding at the end the following:

“(11) CONSIDERATION OF PRICE LEVELS OF RETAIL STORES FOR PARTICIPATION IN PROGRAM.—

“(A) IN GENERAL.—For the purpose of promoting efficiency and to contain costs under the program, a State agency shall, in selecting a retail store for participation in the program, take into consideration the prices that the store charges for foods under the program as compared to the prices that other stores charge for the foods.

“(B) SUBSEQUENT PRICE INCREASES.—The State agency shall establish procedures to ensure that a retail store selected for participation in the program does not subsequently raise prices to levels that would otherwise make the store ineligible for participation in the program.”

(2) REGULATIONS.—The Secretary of Agriculture shall promulgate—

(A) not later than March 1, 1999, proposed regulations to carry out section 17(h)(11) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(11)), as added by paragraph (1); and

(B) not later than March 1, 2000, final regulations to carry out section 17(h)(11) of that Act.

(m) MANAGEMENT INFORMATION SYSTEM PLAN.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)), as amended by subsection (l)(1), is further amended by adding at the end the following:

“(12) MANAGEMENT INFORMATION SYSTEM PLAN.—

“(A) IN GENERAL.—In consultation with State agencies, vendors, and other interested persons, the Secretary shall establish a long-range plan for the development and implementation of management information systems (including electronic benefit transfers) to be used in carrying out the program.

“(B) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on actions taken to carry out subparagraph (A).

“(C) INTERIM PERIOD.—Prior to the date of submission of the report of the Secretary required under subparagraph (B), a State agency may not require retail stores to pay the cost of systems or equipment that may be required to test electronic benefit transfer systems.”

(n) USE OF FUNDS IN PRECEDING AND SUBSEQUENT FISCAL YEARS.—

(1) IN GENERAL.—Section 17(i)(3)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)(3)(A)) is amended—

(A) by striking “subparagraphs (B) and (C)” and inserting “subparagraph (B)”;

(B) by striking clauses (i) and (ii) and inserting the following:

“(i) (I) not more than 1 percent (except as provided in subparagraph (C)) of the amount of funds allocated to a State agency under this section for supplemental foods for a fiscal year may be expended by the State agency for allowable expenses incurred under this section for supplemental foods during the preceding fiscal year; and

“(II) not more than 1 percent of the amount of funds allocated to a State agency under this section for nutrition services and administration for a fiscal year may be expended by the State agency for allowable expenses incurred under this section for supplemental foods and nutrition services and administration during the preceding fiscal year; and

“(ii) (I) for each fiscal year, of the amounts allocated to a State agency for nutrition services and administration, an amount equal to not more than 1 percent of the

amount allocated to the State agency under this section for the fiscal year may be expended by the State agency for allowable expenses incurred under this section for nutrition services and administration during the subsequent fiscal year; and

“(II) for each fiscal year, of the amounts allocated to a State agency for nutrition services and administration, an amount equal to not more than 1/2 of 1 percent of the amount allocated to the State agency under this section for the fiscal year may be expended by the State agency, with the prior approval of the Secretary, for the development of a management information system, including an electronic benefit transfer system, during the subsequent fiscal year.”

(2) CONFORMING AMENDMENTS.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(A) in subsection (h)(10)(A), by inserting after “nutrition services and administration funds” the following: “and supplemental foods funds”; and

(B) in subsection (i)(3)—

(i) by striking subparagraphs (C) through (G); and

(ii) by redesignating subparagraph (H) as subparagraph (C).

(o) FARMERS’ MARKET NUTRITION PROGRAM.—

(1) MATCHING REQUIREMENT.—Section 17(m)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(3)) is amended in the first sentence by inserting “program income or” after “satisfied from”.

(2) CRITERIA FOR ADDITIONAL FUNDS.—Section 17(m)(6)(C) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(6)(C)) is amended—

(A) by striking “serve additional recipients in”;

(B) by striking clause (ii) and inserting the following:

“(ii) documentation that demonstrates that—

“(I) there is a need for an increase in funds; and

“(II) the use of the increased funding will be consistent with serving nutritionally at-risk persons and expanding the awareness and use of farmers’ markets;”;

(C) in clause (iii), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(iv) whether, in the case of a State that intends to use any funding provided under subparagraph (G)(i) to increase the value of the Federal share of the benefits received by a recipient, the funding provided under subparagraph (G)(i) will increase the rate of coupon redemption.”

(3) RANKING CRITERIA FOR STATE PLANS.—Section 17(m)(6) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(6)) is amended—

(A) by striking subparagraph (F); and

(B) by redesignating subparagraph (G) as subparagraph (F).

(4) FUNDING FOR CURRENT AND NEW STATES.—Section 17(m)(6)(F) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(6)(F)), as redesignated by paragraph (3)(B), is amended—

(A) in clause (i)—

(i) in the first sentence, by striking “that wish” and all follows through “to do so” and inserting “whose State plan”; and

(ii) in the second sentence, by striking “for additional recipients”;

(B) in the second sentence of clause (ii), by striking “that desire to serve additional recipients, and”.

(5) REAUTHORIZATION OF PROGRAM.—Section 17(m)(9)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(9)(A)) is amended by striking “1998” and inserting “2003”.

(p) DISQUALIFICATION OF CERTAIN VENDORS.—

(1) IN GENERAL.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by adding at the end the following:

“(o) DISQUALIFICATION OF VENDORS CONVICTED OF TRAFFICKING OR ILLEGAL SALES.—

“(1) IN GENERAL.—Except as provided in paragraph (4), a State agency shall permanently disqualify from participation in the program authorized under this section a vendor convicted of—

“(A) trafficking in food instruments (including any voucher, draft, check, or access device (including an electronic benefit transfer card or personal identification number) issued in lieu of a food instrument under this section); or

“(B) selling firearms, ammunition, explosives, or controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) in exchange for food instruments (including any item described in subparagraph (A) issued in lieu of a food instrument under this section).

“(2) NOTICE OF DISQUALIFICATION.—The State agency shall—

“(A) provide the vendor with notification of the disqualification; and

“(B) make the disqualification effective on the date of receipt of the notice of disqualification.

“(3) PROHIBITION OF RECEIPT OF LOST REVENUES.—A vendor shall not be entitled to receive any compensation for revenues lost as a result of disqualification under this subsection.

“(4) EXCEPTIONS IN LIEU OF DISQUALIFICATION.—

“(A) IN GENERAL.—A State agency may permit a vendor that, but for this paragraph, would be disqualified under paragraph (1), to continue to participate in the program if the State agency determines, in its sole discretion according to criteria established by the Secretary, that—

“(i) disqualification of the vendor would cause hardship to participants in the program authorized under this section; or

“(ii) (I) the vendor had, at the time of the violation under paragraph (1), an effective policy and program in effect to prevent violations described in paragraph (1); and

“(II) the ownership of the vendor was not aware of, did not approve of, and was not involved in the conduct of the violation.

“(B) CIVIL PENALTY.—If a State agency under subparagraph (A) permits a vendor to continue to participate in the program in lieu of disqualification, the State agency shall assess the vendor a civil penalty in an amount determined by the State agency, in accordance with criteria established by the Secretary, except that—

“(i) the amount of the civil penalty shall not exceed \$10,000 for each violation; and

“(ii) the amount of civil penalties imposed for violations investigated as part of a single investigation may not exceed \$40,000.”

(2) REGULATIONS.—The Secretary of Agriculture shall promulgate—

(A) not later than March 1, 1999, proposed regulations to carry out section 17(o) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(o)), as added by paragraph (1); and

(B) not later than March 1, 2000, final regulations to carry out section 17(o) of that Act.

(q) CRIMINAL FORFEITURE.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), as amended by subsection (p)(1), is amended by adding at the end the following:

“(p) CRIMINAL FORFEITURE.—

“(1) IN GENERAL.—Notwithstanding any provision of State law and in addition to any other penalty authorized by law, a court may order a person that is convicted of a violation of a provision of law described in paragraph (2), with respect to food instruments (including any item described in subsection (o)(1)(A) issued in lieu of a food instrument under this section), funds, assets,

or property that have a value of \$100 or more and that are the subject of a grant or other form of assistance under this section, to forfeit to the United States all property described in paragraph (3).

“(2) APPLICABLE LAWS.—A provision of law described in this paragraph is—

“(A) section 12(g) of the National School Lunch Act (42 U.S.C. 1760(g)); and

“(B) any other Federal law imposing a penalty for embezzlement, willful misapplication, stealing, obtaining by fraud, or trafficking in food instruments (including any item described in subsection (o)(1)(A) issued in lieu of a food instrument under this section), funds, assets, or property.

“(3) PROPERTY SUBJECT TO FORFEITURE.—The following property shall be subject to forfeiture under paragraph (1):

“(A) All property, real and personal, used in a transaction or attempted transaction, to commit, or to facilitate the commission of, a violation described in paragraph (1).

“(B) All property, real and personal, constituting, derived from, or traceable to any proceeds a person obtained directly or indirectly as a result of a violation described in paragraph (1).

“(4) PROCEDURES; INTEREST OF OWNER.—Except as provided in paragraph (5), all property subject to forfeiture under this subsection, any seizure or disposition of the property, and any proceeding relating to the forfeiture, seizure, or disposition shall be subject to section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section.

“(5) PROCEEDS.—The proceeds from any sale of forfeited property and any amounts forfeited under this subsection shall be used—

“(A) first, to reimburse the Department of Justice, the Department of the Treasury, and the United States Postal Service for the costs incurred by the Departments or Service to initiate and complete the forfeiture proceeding;

“(B) second, to reimburse the Office of Inspector General of the Department of Agriculture for any costs incurred by the Office in the law enforcement effort resulting in the forfeiture;

“(C) third, to reimburse any Federal, State, or local law enforcement agency for any costs incurred in the law enforcement effort resulting in the forfeiture; and

“(D) fourth, by the State agency to carry out approval, reauthorization, and compliance investigations of vendors.”.

(r) STUDY OF COST CONTAINMENT PRACTICES.—

(1) IN GENERAL.—The Secretary of Agriculture shall conduct a study on the effect of cost containment practices established by States under the special supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) for the selection of vendors and approved food items (other than infant formula) on—

(A) program participation;

(B) access and availability of prescribed foods;

(C) voucher redemption rates and actual food selections by participants;

(D) participants on special diets or with specific food allergies;

(E) participant use and satisfaction of prescribed foods;

(F) achievement of positive health outcomes; and

(G) program costs.

(2) REPORT.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

(A) not later than 2 years after the date of enactment of this Act, an interim report describing the results of the study conducted under paragraph (1); and

(B) not later than 3 years after the date of enactment of this Act, a final report describing the results of the study conducted under paragraph (1).

(s) STUDY OF WIC SERVICES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that assesses—

(A) the cost of delivering services under the special supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), including the costs of implementing and administering cost containment efforts;

(B) the fixed and variable costs incurred by State and local governments for delivering the services and the extent to which those costs are charged to State agencies;

(C) the quality of the services delivered, taking into account the effect of the services on the health of participants; and

(D) the costs incurred for personnel, automation, central support, and other activities to deliver the services and whether the costs meet Federal audit standards for allowable costs under the program.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to the Secretary of Agriculture, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the study conducted under paragraph (1).

SEC. 204. NUTRITION EDUCATION AND TRAINING.

Section 19(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(i)) is amended—

(1) by striking the subsection heading and all that follows through paragraph (3)(A) and inserting the following:

“(i) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—

“(A) FUNDING.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1997 through 2003.”; and

(2) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

TITLE III—COMMODITY DISTRIBUTION PROGRAMS

SEC. 301. INFORMATION FROM RECIPIENT AGENCIES.

Section 3(f)(2) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100-237) is amended to read as follows:

“(2) INFORMATION FROM RECIPIENT AGENCIES.—

“(A) IN GENERAL.—The Secretary shall ensure that information with respect to the types and forms of commodities that are most useful to persons participating in programs described in subsection (a)(2) is collected from recipient agencies operating the programs.

“(B) FREQUENCY.—The information shall be collected at least once every 2 years.

“(C) ADDITIONAL SUBMISSIONS.—The Secretary shall provide the recipient agencies a means for voluntarily submitting customer acceptability information.”.

SEC. 302. FOOD DISTRIBUTION.

The Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100-237) is amended—

(1) by redesignating sections 13 and 14 as sections 17 and 18, respectively; and

(2) by inserting after section 12 the following:

“SEC. 13. AUTHORITY TO TRANSFER COMMODITIES BETWEEN PROGRAMS.

“(a) TRANSFER.—Subject to subsection (b), the Secretary may transfer any commodities

purchased with appropriated funds for a domestic food assistance program administered by the Secretary to any other domestic food assistance program administered by the Secretary if the transfer is necessary to ensure that the commodities will be used while the commodities are still suitable for human consumption.

“(b) REIMBURSEMENT.—The Secretary shall, to the maximum extent practicable, provide reimbursement for the value of the commodities transferred under subsection (a) from accounts available for the purchase of commodities under the program receiving the commodities.

“(c) CREDITING.—Any reimbursement made under subsection (b) shall—

“(1) be credited to the accounts that incurred the costs when the transferred commodities were originally purchased; and

“(2) be available for the purchase of commodities with the same limitations as are provided for appropriated funds for the reimbursed accounts for the fiscal year in which the transfer takes place.

“SEC. 14. AUTHORITY TO RESOLVE CLAIMS.

“(a) IN GENERAL.—The Secretary may determine the amount of, settle, and adjust all or part of a claim arising under a domestic food assistance program administered by the Secretary.

“(b) WAIVER.—The Secretary may waive a claim described in subsection (a) if the Secretary determines that a waiver would serve the purposes of the program.

“(c) AUTHORITY OF THE ATTORNEY GENERAL.—Nothing in this section diminishes the authority of the Attorney General under section 516 of title 28, United States Code, or any other provision of law, to supervise and conduct litigation on behalf of the United States.

“SEC. 15. PAYMENT OF COSTS ASSOCIATED WITH REMOVAL OF COMMODITIES THAT POSE A HEALTH OR SAFETY RISK.

“(a) IN GENERAL.—The Secretary may use funds available to carry out section 32 of the Act of August 24, 1935 (49 Stat. 774, chapter 641; 7 U.S.C. 612c), that are not otherwise committed, for the purpose of reimbursing States for State and local costs associated with the removal of commodities distributed under any domestic food assistance program administered by the Secretary if the Secretary determines that the commodities pose a health or safety risk.

“(b) ALLOWABLE COSTS.—The costs—

“(1) may include costs for storage, transportation, processing, and destruction of the commodities described in subsection (a); and

“(2) shall be subject to the approval of the Secretary.

“(c) REPLACEMENT COMMODITIES.—

“(1) IN GENERAL.—The Secretary may use funds described in subsection (a) for the purpose of purchasing additional commodities if the purchase will expedite replacement of the commodities described in subsection (a).

“(2) RECOVERY.—Use of funds under paragraph (1) shall not restrict the Secretary from recovering funds or services from a supplier or other entity regarding the commodities described in subsection (a).

“(d) CREDITING OF RECOVERED FUNDS.—Funds recovered from a supplier or other entity regarding the commodities described in subsection (a) shall—

“(1) be credited to the account available to carry out section 32 of the Act of August 24, 1935 (49 Stat. 774, chapter 641; 7 U.S.C. 612c), to the extent the funds represent expenditures from that account under subsections (a) and (c); and

“(2) remain available to carry out the purposes of section 32 of that Act until expended.

“(e) TERMINATION DATE.—The authority provided by this section terminates effective October 1, 2000.

"SEC. 16. AUTHORITY TO ACCEPT COMMODITIES DONATED BY FEDERAL SOURCES.

"(a) IN GENERAL.—The Secretary may accept donations of commodities from any Federal agency, including commodities of another Federal agency determined to be excess personal property pursuant to section 202(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(d)).

"(b) USE.—The Secretary may donate the commodities received under subsection (a) to States for distribution through any domestic food assistance program administered by the Secretary.

"(c) PAYMENT.—Notwithstanding section 202(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(d)), the Secretary shall not be required to make any payment in connection with the commodities received under subsection (a)."

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on October 1, 1998.

And the Senate agree to the same. From the Committee on Education and the Workforce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

BILL GOODLING,
FRANK RIGGS,
MIKE CASTLE,
W. L. CLAY,
M. G. MARTINEZ,

From the Committee on Agriculture, for consideration of secs. 2, 101, 104(b), 106, 202(c), and 202(o) of the House bill, and secs. 101, 111, 114, 203(c), 203(r), and titles III and IV of the Senate amendment, and modifications committed to conference:

BOB SMITH,
BOB GOODLATTE,
CHARLIE STENHOLM,
Managers on the Part of the House.

RICHARD G. LUGAR,
THAD COCHRAN,
MITCH MCCONNELL,
TOM HARKIN,
PATRICK J. LEAHY,
Managers on the Part of the Senate.

The SPEAKER pro tempore, Mr. BLUNT, recognized Mr. GOODLING and Mr. CLAY, each for 20 minutes.

After debate, The question being put, viva voce, Will the House suspend the rules and agree to said conference report?

The SPEAKER pro tempore, Mr. BLUNT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GOODLING demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUNT, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Thursday, October 9, 1998, pursuant to the prior announcement of the Chair.

¶105.55 CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION

Mr. GOODLING called up the following conference report (Rept. No. 105-800):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R.

1853), to amend the Carl D. Perkins Vocational and Applied Technology Education Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; AMENDMENT.

(a) SHORT TITLE.—This Act may be cited as the "Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998".

(b) AMENDMENT.—The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Carl D. Perkins Vocational and Technical Education Act of 1998.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- "Sec. 1. Short title; table of contents.
- "Sec. 2. Purpose.
- "Sec. 3. Definitions.
- "Sec. 4. Transition provisions.
- "Sec. 5. Privacy.
- "Sec. 6. Limitation.
- "Sec. 7. Special rule.
- "Sec. 8. Authorization of appropriations.

"TITLE I—VOCATIONAL AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

"PART A—ALLOTMENT AND ALLOCATION

- "Sec. 111. Reservations and State allotment.
- "Sec. 112. Within State allocation.
- "Sec. 113. Accountability.
- "Sec. 114. National activities.
- "Sec. 115. Assistance for the outlying areas.
- "Sec. 116. Native American program.
- "Sec. 117. Tribally controlled postsecondary vocational and technical institutions.
- "Sec. 118. Occupational and employment information.

"PART B—STATE PROVISIONS

- "Sec. 121. State administration.
- "Sec. 122. State plan.
- "Sec. 123. Improvement plans.
- "Sec. 124. State leadership activities.

"PART C—LOCAL PROVISIONS

- "Sec. 131. Distribution of funds to secondary school programs.
- "Sec. 132. Distribution of funds for postsecondary vocational and technical education programs.
- "Sec. 133. Special rules for vocational and technical education.
- "Sec. 134. Local plan for vocational and technical education programs.
- "Sec. 135. Local uses of funds.

"TITLE II—TECH-PREP EDUCATION

- "Sec. 201. Short title.
- "Sec. 202. Definitions.
- "Sec. 203. State allotment and application.
- "Sec. 204. Tech-prep education.
- "Sec. 205. Consortium applications.
- "Sec. 206. Report.
- "Sec. 207. Demonstration program.
- "Sec. 208. Authorization of appropriations.

"TITLE III—GENERAL PROVISIONS

"PART A—FEDERAL ADMINISTRATIVE PROVISIONS

- "Sec. 311. Fiscal requirements.
- "Sec. 312. Authority to make payments.
- "Sec. 313. Construction.
- "Sec. 314. Voluntary selection and participation.
- "Sec. 315. Limitation for certain students.
- "Sec. 316. Federal laws guaranteeing civil rights.

"Sec. 317. Authorization of Secretary.

"Sec. 318. Participation of private school personnel.

"PART B—STATE ADMINISTRATIVE PROVISIONS

"Sec. 321. Joint funding.

"Sec. 322. Prohibition on use of funds to induce out-of-State relocation of businesses.

"Sec. 323. State administrative costs.

"Sec. 324. Limitation on Federal regulations.

"Sec. 325. Student assistance and other Federal programs.

"SEC. 2. PURPOSE.

"The purpose of this Act is to develop more fully the academic, vocational, and technical skills of secondary students and postsecondary students who elect to enroll in vocational and technical education programs, by—

"(1) building on the efforts of States and localities to develop challenging academic standards;

"(2) promoting the development of services and activities that integrate academic, vocational, and technical instruction, and that link secondary and postsecondary education for participating vocational and technical education students;

"(3) increasing State and local flexibility in providing services and activities designed to develop, implement, and improve vocational and technical education, including tech-prep education; and

"(4) disseminating national research, and providing professional development and technical assistance, that will improve vocational and technical education programs, services, and activities.

"SEC. 3. DEFINITIONS.

"In this Act:

"(1) ADMINISTRATION.—The term 'administration', when used with respect to an eligible agency or eligible recipient, means activities necessary for the proper and efficient performance of the eligible agency or eligible recipient's duties under this Act, including supervision, but does not include curriculum development activities, personnel development, or research activities.

"(2) ALL ASPECTS OF AN INDUSTRY.—The term 'all aspects of an industry' means strong experience in, and comprehensive understanding of, the industry that the individual is preparing to enter.

"(3) AREA VOCATIONAL AND TECHNICAL EDUCATION SCHOOL.—The term 'area vocational and technical education school' means—

"(A) a specialized public secondary school used exclusively or principally for the provision of vocational and technical education to individuals who are available for study in preparation for entering the labor market;

"(B) the department of a public secondary school exclusively or principally used for providing vocational and technical education in not fewer than 5 different occupational fields to individuals who are available for study in preparation for entering the labor market;

"(C) a public or nonprofit technical institution or vocational and technical education school used exclusively or principally for the provision of vocational and technical education to individuals who have completed or left secondary school and who are available for study in preparation for entering the labor market, if the institution or school admits as regular students both individuals who have completed secondary school and individuals who have left secondary school; or

"(D) the department or division of an institution of higher education, that operates under the policies of the eligible agency and that provides vocational and technical education in not fewer than five different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if the department or division admits as regular students both individuals who have completed sec-

ondary school and individuals who have left secondary school.

“(4) CAREER GUIDANCE AND ACADEMIC COUNSELING.—The term ‘career guidance and academic counseling’ means providing access to information regarding career awareness and planning with respect to an individual’s occupational and academic future that shall involve guidance and counseling with respect to career options, financial aid, and postsecondary options.

“(5) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given the term in section 10306 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8066).

“(6) COOPERATIVE EDUCATION.—The term ‘cooperative education’ means a method of instruction of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required academic courses and related vocational and technical education instruction, by alternation of study in school with a job in any occupational field, which alternation shall be planned and supervised by the school and employer so that each contributes to the education and employability of the individual, and may include an arrangement in which work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

“(7) DISPLACED HOMEMAKER.—The term ‘displaced homemaker’ means an individual who—

“(A)(i) has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills;

“(ii) has been dependent on the income of another family member but is no longer supported by that income; or

“(iii) is a parent whose youngest dependent child will become ineligible to receive assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) not later than 2 years after the date on which the parent applies for assistance under this title; and

“(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

“(8) EDUCATIONAL SERVICE AGENCY.—The term ‘educational service agency’ has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965.

“(9) ELIGIBLE AGENCY.—The term ‘eligible agency’ means a State board designated or created consistent with State law as the sole State agency responsible for the administration of vocational and technical education or for supervision of the administration of vocational and technical education in the State.

“(10) ELIGIBLE INSTITUTION.—The term ‘eligible institution’ means—

“(A) an institution of higher education;

“(B) a local educational agency providing education at the postsecondary level;

“(C) an area vocational and technical education school providing education at the postsecondary level;

“(D) a postsecondary educational institution controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or the Act of April 16, 1934 (48 Stat. 596; 25 U.S.C. 452 et seq.);

“(E) an educational service agency; or

“(F) a consortium of 2 or more of the entities described in subparagraphs (A) through (E).

“(11) ELIGIBLE RECIPIENT.—The term ‘eligible recipient’ means—

“(A) a local educational agency, an area vocational and technical education school, an educational service agency, or a consortium, eligible to receive assistance under section 131; or

“(B) an eligible institution or consortium of eligible institutions eligible to receive assistance under section 132.

“(12) GOVERNOR.—The term ‘Governor’ means the chief executive officer of a State or an outlying area.

“(13) INDIVIDUAL WITH LIMITED ENGLISH PROFICIENCY.—The term ‘individual with limited English proficiency’ means a secondary school student, an adult, or an out-of-school youth, who has limited ability in speaking, reading, writing, or understanding the English language, and—

“(A) whose native language is a language other than English; or

“(B) who lives in a family or community environment in which a language other than English is the dominant language.

“(14) INDIVIDUAL WITH A DISABILITY.—

“(A) IN GENERAL.—The term ‘individual with a disability’ means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

“(B) INDIVIDUALS WITH DISABILITIES.—The term ‘individuals with disabilities’ means more than 1 individual with a disability.

“(15) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given the term in section 101 of the Higher Education Act of 1965.

“(16) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

“(17) NONTRADITIONAL TRAINING AND EMPLOYMENT.—The term ‘nontraditional training and employment’ means occupations or fields of work, including careers in computer science, technology, and other emerging high skill occupations, for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

“(18) OUTLYING AREA.—The term ‘outlying area’ means 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.

“(19) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term ‘postsecondary educational institution’ means—

“(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor’s degree;

“(B) a tribally controlled college or university; or

“(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

“(20) SCHOOL DROPOUT.—The term ‘school dropout’ means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

“(21) SECONDARY SCHOOL.—The term ‘secondary school’ has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

“(22) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.

“(23) SPECIAL POPULATIONS.—The term ‘special populations’ means—

“(A) individuals with disabilities;

“(B) individuals from economically disadvantaged families, including foster children;

“(C) individuals preparing for nontraditional training and employment;

“(D) single parents, including single pregnant women;

“(E) displaced homemakers; and

“(F) individuals with other barriers to educational achievement, including individuals with limited English proficiency.

“(24) STATE.—The term ‘State’, unless otherwise specified, means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

“(25) SUPPORT SERVICES.—The term ‘support services’ means services related to curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices.

“(26) TECH-PREP PROGRAM.—The term ‘tech-prep program’ means a program of study that—

“(A) combines at least 2 years of secondary education (as determined under State law) and 2 years of postsecondary education in a non-duplicative sequential course of study;

“(B) strengthens the applied academic component of vocational and technical education through the integration of academic, and vocational and technical, instruction;

“(C) provides technical preparation in an area such as engineering technology, applied science, a mechanical, industrial, or practical art or trade, agriculture, a health occupation, business, or applied economics;

“(D) builds student competence in mathematics, science, and communications (including through applied academics) in a coherent sequence of courses; and

“(E) leads to an associate degree or a certificate in a specific career field, and to high skill, high wage employment, or further education.

“(27) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY.—The term ‘tribally controlled college or university’ has the meaning given such term in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(4)).

“(28) TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL AND TECHNICAL INSTITUTION.—The term ‘tribally controlled postsecondary vocational and technical institution’ means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965, except that paragraph (2) of such section shall not be applicable and the reference to Secretary in paragraph (5)(A) of such section shall be deemed to refer to the Secretary of the Interior) that—

“(A) is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or Indian tribes;

“(B) offers a technical degree or certificate granting program;

“(C) is governed by a board of directors or trustees, a majority of whom are Indians;

“(D) demonstrates adherence to stated goals, a philosophy, or a plan of operation, that fosters individual Indian economic and self-sufficiency opportunity, including programs that are appropriate to stated tribal goals of developing individual entrepreneurship and self-sustaining economic infrastructures on reservations;

“(E) has been in operation for at least 3 years;

“(F) holds accreditation with or is a candidate for accreditation by a nationally recognized accrediting authority for postsecondary vocational and technical education; and

“(G) enrolls the full-time equivalent of not less than 100 students, of whom a majority are Indians.

“(29) VOCATIONAL AND TECHNICAL EDUCATION.—The term ‘vocational and technical education’ means organized educational activities that—

“(A) offer a sequence of courses that provides individuals with the academic and technical knowledge and skills the individuals need to prepare for further education and for careers (other than careers requiring a baccalaureate, master’s, or doctoral degree) in current or emerging employment sectors; and

“(B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, of an individual.

“(30) VOCATIONAL AND TECHNICAL STUDENT ORGANIZATION.—

“(A) IN GENERAL.—The term ‘vocational and technical student organization’ means an organization for individuals enrolled in a vocational and technical education program that engages in vocational and technical activities as an integral part of the instructional program.

“(B) STATE AND NATIONAL UNITS.—An organization described in subparagraph (A) may have State and national units that aggregate the

work and purposes of instruction in vocational and technical education at the local level.

“SEC. 4. TRANSITION PROVISIONS.

“The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of this Act from any authority under provisions of the Carl D. Perkins Vocational and Applied Technology Education Act, as such Act was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998.

“SEC. 5. PRIVACY.

“(a) GEPA.—Nothing in this Act shall be construed to supersede the privacy protections afforded parents and students under section 444 of the General Education Provisions Act (20 U.S.C. 1232g), as added by the Family Educational Rights and Privacy Act of 1974 (section 513 of Public Law 93-380; 88 Stat. 571).

“(b) PROHIBITION ON DEVELOPMENT OF NATIONAL DATABASE.—Nothing in this Act shall be construed to permit the development of a national database of personally identifiable information on individuals receiving services under this Act.

“SEC. 6. LIMITATION.

“All of the funds made available under this Act shall be used in accordance with the requirements of this Act. None of the funds made available under this Act may be used to provide funding under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.) or to carry out, through programs funded under this Act, activities that were funded under the School-to-Work Opportunities Act of 1994, unless the programs funded under this Act serve only those participants eligible to participate in the programs under this Act.

“SEC. 7. SPECIAL RULE.

“In the case of a local community in which no employees are represented by a labor organization, for purposes of this Act the term ‘representatives of employees’ shall be substituted for ‘labor organization’.

“SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this Act (other than sections 114, 117, and 118, and title II) such sums as may be necessary for each of the fiscal years 1999 through 2003.

“TITLE I—VOCATIONAL AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

“PART A—ALLOTMENT AND ALLOCATION

“SEC. 111. RESERVATIONS AND STATE ALLOTMENT.

“(a) RESERVATIONS AND STATE ALLOTMENT.—“(1) RESERVATIONS.—From the sum appropriated under section 8 for each fiscal year, the Secretary shall reserve—

“(A) 0.2 percent to carry out section 115;

“(B) 1.50 percent to carry out section 116, of which—

“(i) 1.25 percent of the sum shall be available to carry out section 116(b); and

“(ii) 0.25 percent of the sum shall be available to carry out section 116(h); and

“(C) in the case of each of the fiscal years 2000 through 2003, 0.54 percent to carry out section 503 of Public Law 105-220.

“(2) STATE ALLOTMENT FORMULA.—Subject to paragraphs (3) and (4), from the remainder of the sums appropriated under section 8 and not reserved under paragraph (1) for a fiscal year, the Secretary shall allot to a State for the fiscal year—

“(A) an amount that bears the same ratio to 50 percent of the sums being allotted as the product of the population aged 15 to 19 inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State’s allotment ratio bears to the sum of the corresponding products for all the States;

“(B) an amount that bears the same ratio to 20 percent of the sums being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the

fiscal year for which the determination is made and the State’s allotment ratio bears to the sum of the corresponding products for all the States;

“(C) an amount that bears the same ratio to 15 percent of the sums being allotted as the product of the population aged 25 to 65, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State’s allotment ratio bears to the sum of the corresponding products for all the States; and

“(D) an amount that bears the same ratio to 15 percent of the sums being allotted as the amounts allotted to the State under subparagraphs (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under subparagraphs (A), (B), and (C) for such year.

“(3) MINIMUM ALLOTMENT.—

“(A) IN GENERAL.—Notwithstanding any other provision of law and subject to subparagraphs (B) and (C), and paragraph (4), no State shall receive for a fiscal year under this subsection less than 1/2 of 1 percent of the amount appropriated under section 8 and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

“(B) REQUIREMENT.—No State, by reason of the application of subparagraph (A), shall receive for a fiscal year more than 150 percent of the amount the State received under this subsection for the preceding fiscal year (or in the case of fiscal year 1999 only, under section 101 of the Carl D. Perkins Vocational and Applied Technology Education Act, as such section was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998).

“(C) SPECIAL RULE.—

“(i) IN GENERAL.—Subject to paragraph (4), no State, by reason of the application of subparagraph (A), shall be allotted for a fiscal year more than the lesser of—

“(I) 150 percent of the amount that the State received in the preceding fiscal year (or in the case of fiscal year 1999 only, under section 101 of the Carl D. Perkins Vocational and Applied Technology Education Act, as such section was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998); and

“(II) the amount calculated under clause (ii).

“(ii) AMOUNT.—The amount calculated under this clause shall be determined by multiplying—

“(I) the number of individuals in the State counted under paragraph (2) in the preceding fiscal year; by

“(II) 150 percent of the national average per pupil payment made with funds available under this section for that year (or in the case of fiscal year 1999, only, under section 101 of the Carl D. Perkins Vocational and Applied Technology Education Act, as such section was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998).

“(4) HOLD HARMLESS.—

“(A) IN GENERAL.—No State shall receive an allotment under this section for a fiscal year that is less than the allotment the State received under part A of title I of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2311 et seq.) (as such part was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998) for fiscal year 1998.

“(B) RATABLE REDUCTION.—If for any fiscal year the amount appropriated for allotments under this section is insufficient to satisfy the provisions of subparagraph (A), the payments to all States under such subparagraph shall be ratably reduced.

“(b) REALLOTMENT.—If the Secretary determines that any amount of any State’s allotment

under subsection (a) for any fiscal year will not be required for such fiscal year for carrying out the activities for which such amount has been allotted, the Secretary shall make such amount available for reallocation. Any such reallocation among other States shall occur on such dates during the same year as the Secretary shall fix, and shall be made on the basis of criteria established by regulation. No funds may be reallocated for any use other than the use for which the funds were appropriated. Any amount reallocated to a State under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year and shall be deemed to be part of the State’s allotment for the year in which the amount is obligated.

“(c) ALLOTMENT RATIO.—

“(1) IN GENERAL.—The allotment ratio for any State shall be 1.00 less the product of—

“(A) 0.50; and

“(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of the Commonwealth of Puerto Rico and the United States Virgin Islands), except that—

“(i) the allotment ratio in no case shall be more than 0.60 or less than 0.40; and

“(ii) the allotment ratio for the Commonwealth of Puerto Rico and the United States Virgin Islands shall be 0.60.

“(2) PROMULGATION.—The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the 3 most recent consecutive fiscal years for which satisfactory data are available.

“(3) DEFINITION OF PER CAPITA INCOME.—For the purpose of this section, the term ‘per capita income’ means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

“(4) POPULATION DETERMINATION.—For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available to the Department of Education.

“(d) DEFINITION OF STATE.—For the purpose of this section, the term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

“SEC. 112. WITHIN STATE ALLOCATION.

“(a) IN GENERAL.—From the amount allotted to each State under section 111 for a fiscal year, the State board (hereinafter referred to as the ‘eligible agency’) shall make available—

“(1) not less than 85 percent for distribution under section 131 or 132, of which not more than 10 percent of the 85 percent may be used in accordance with subsection (c);

“(2) not more than 10 percent to carry out State leadership activities described in section 124, of which—

“(A) an amount equal to not more than 1 percent of the amount allotted to the State under section 111 for the fiscal year shall be available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

“(B) not less than \$60,000 and not more than \$150,000 shall be available for services that prepare individuals for nontraditional training and employment; and

“(3) an amount equal to not more than 5 percent, or \$250,000, whichever is greater, for administration of the State plan, which may be used for the costs of—

“(A) developing the State plan;

“(B) reviewing the local plans;

“(C) monitoring and evaluating program effectiveness;

“(D) assuring compliance with all applicable Federal laws; and

“(E) providing technical assistance.

“(b) MATCHING REQUIREMENT.—Each eligible agency receiving funds made available under subsection (a)(3) shall match, from non-Federal sources and on a dollar-for-dollar basis, the funds received under subsection (a)(3).

“(c) RESERVE.—

“(1) IN GENERAL.—From amounts made available under subsection (a)(1) to carry out this subsection, an eligible agency may award grants to eligible recipients for vocational and technical education activities described in section 135 in—

“(A) rural areas;

“(B) areas with high percentages of vocational and technical education students; and

“(C) areas with high numbers of vocational and technical students; and

“(D) communities negatively impacted by changes resulting from the amendments made by the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998 to the within State allocation under section 231 of the Carl D. Perkins Vocational and Applied Technology Education Act (as such section 231 was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998).

“(2) SPECIAL RULE.—Each eligible agency awarding a grant under this subsection shall use the grant funds to serve at least 2 of the categories described in subparagraphs (A) through (D) of paragraph (1).

“SEC. 113. ACCOUNTABILITY.

“(a) PURPOSE.—The purpose of this section is to establish a State performance accountability system, comprised of the activities described in this section, to assess the effectiveness of the State in achieving statewide progress in vocational and technical education, and to optimize the return of investment of Federal funds in vocational and technical education activities.

“(b) STATE PERFORMANCE MEASURES.—

“(1) IN GENERAL.—Each eligible agency, with input from eligible recipients, shall establish performance measures for a State that consist of—

“(A) the core indicators of performance described in paragraph (2)(A);

“(B) any additional indicators of performance (if any) identified by the eligible agency under paragraph (2)(B); and

“(C) a State adjusted level of performance described in paragraph (3)(A) for each core indicator of performance, and State levels of performance described in paragraph (3)(B) for each additional indicator of performance.

“(2) INDICATORS OF PERFORMANCE.—

“(A) CORE INDICATORS OF PERFORMANCE.—Each eligible agency shall identify in the State plan core indicators of performance that include, at a minimum, measures of each of the following:

“(i) Student attainment of challenging State established academic, and vocational and technical, skill proficiencies.

“(ii) Student attainment of a secondary school diploma or its recognized equivalent, a proficiency credential in conjunction with a secondary school diploma, or a postsecondary degree or credential.

“(iii) Placement in, retention in, and completion of, postsecondary education or advanced training, placement in military service, or placement or retention in employment.

“(iv) Student participation in and completion of vocational and technical education programs that lead to nontraditional training and employment.

“(B) ADDITIONAL INDICATORS OF PERFORMANCE.—An eligible agency, with input from eligible recipients, may identify in the State plan additional indicators of performance for vocational and technical education activities authorized under the title.

“(C) EXISTING INDICATORS.—If a State previously has developed State performance meas-

ures that meet the requirements of this section, the State may use such performance measures to measure the progress of vocational and technical education students.

“(D) STATE ROLE.—Indicators of performance described in this paragraph shall be established solely by each eligible agency with input from eligible recipients.

“(3) LEVELS OF PERFORMANCE.—

“(A) STATE ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

“(i) IN GENERAL.—Each eligible agency, with input from eligible recipients, shall establish in the State plan submitted under section 122, levels of performance for each of the core indicators of performance described in paragraph (2)(A) for vocational and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

“(I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and

“(II) require the State to continually make progress toward improving the performance of vocational and technical education students.

“(ii) IDENTIFICATION IN THE STATE PLAN.—Each eligible agency shall identify, in the State plan submitted under section 122, levels of performance for each of the core indicators of performance for the first 2 program years covered by the State plan.

“(iii) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—The Secretary and each eligible agency shall reach agreement on the levels of performance for each of the core indicators of performance, for the first 2 program years covered by the State plan, taking into account the levels identified in the State plan under clause (ii) and the factors described in clause (vi). The levels of performance agreed to under this clause shall be considered to be the State adjusted level of performance for the State for such years and shall be incorporated into the State plan prior to the approval of such plan.

“(iv) ROLE OF THE SECRETARY.—The role of the Secretary in the agreement described in clauses (iii) and (v) is limited to reaching agreement on the percentage or number of students who attain the State adjusted levels of performance.

“(v) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR 3RD, 4TH AND 5TH YEARS.—Prior to the third program year covered by the State plan, the Secretary and each eligible agency shall reach agreement on the State adjusted levels of performance for each of the core indicators of performance for the third, fourth and fifth program years covered by the State plan, taking into account the factors described in clause (vi). The State adjusted levels of performance agreed to under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.

“(vi) FACTORS.—The agreement described in clause (iii) or (v) shall take into account—

“(I) how the levels of performance involved compare with the State adjusted levels of performance established for other States taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

“(II) the extent to which such levels of performance promote continuous improvement on the indicators of performance by such State.

“(vii) REVISIONS.—If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (vi)(II), the eligible agency may request that the State adjusted levels of performance agreed to under clause (iii) or (v) be revised. The Secretary shall issue objective criteria and methods for making such revisions.

“(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible agency shall identify in the State plan, State levels of per-

formance for each of the additional indicators of performance described in paragraph (2)(B). Such levels shall be considered to be the State levels of performance for purposes of this title.

“(c) REPORT.—

“(1) IN GENERAL.—Each eligible agency that receives an allotment under section 111 shall annually prepare and submit to the Secretary a report regarding—

“(A) the progress of the State in achieving the State adjusted levels of performance on the core indicators of performance; and

“(B) information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the levels of performance for special populations.

“(2) SPECIAL POPULATIONS.—The report submitted by the eligible agency in accordance with paragraph (1) shall include a quantifiable description of the progress special populations participating in vocational and technical education programs have made in meeting the State adjusted levels of performance established by the eligible agency.

“(3) INFORMATION DISSEMINATION.—The Secretary—

“(A) shall make the information contained in such reports available to the general public;

“(B) shall disseminate State-by-State comparisons of the information; and

“(C) shall provide the appropriate committees of Congress copies of such reports.

“SEC. 114. NATIONAL ACTIVITIES.

“(a) PROGRAM PERFORMANCE INFORMATION.—

“(1) IN GENERAL.—The Secretary shall collect performance information about, and report on, the condition of vocational and technical education and on the effectiveness of State and local programs, services, and activities carried out under this title in order to provide the Secretary and Congress, as well as Federal, State, local, and tribal agencies, with information relevant to improvement in the quality and effectiveness of vocational and technical education. The Secretary annually shall report to Congress on the Secretary's aggregate analysis of performance information collected each year pursuant to this title, including an analysis of performance data regarding special populations.

“(2) COMPATIBILITY.—The Secretary shall, to the extent feasible, ensure that the performance information system is compatible with other Federal information systems.

“(3) ASSESSMENTS.—As a regular part of its assessments, the National Center for Education Statistics shall collect and report information on vocational and technical education for a nationally representative sample of students. Such assessment may include international comparisons.

“(b) MISCELLANEOUS PROVISIONS.—

“(1) COLLECTION OF INFORMATION AT REASONABLE COST.—The Secretary shall take such action as may be necessary to secure at reasonable cost the information required by this title. To ensure reasonable cost, the Secretary, in consultation with the National Center for Education Statistics, the Office of Vocational and Adult Education, and an entity assisted under section 118 shall determine the methodology to be used and the frequency with which information is to be collected.

“(2) COOPERATION OF STATES.—All eligible agencies receiving assistance under this Act shall cooperate with the Secretary in implementing the information systems developed pursuant to this Act.

“(c) RESEARCH, DEVELOPMENT, DISSEMINATION, EVALUATION AND ASSESSMENT.—

“(1) SINGLE PLAN.—

“(A) IN GENERAL.—The Secretary may, directly or through grants, contracts, or cooperative agreements, carry out research, development, dissemination, evaluation and assessment, capacity building, and technical assistance with regard to the vocational and technical education programs under this Act. The Secretary shall develop a single plan for such activities.

“(B) PLAN.—Such plan shall—

“(i) identify the vocational and technical education activities described in subparagraph (A) the Secretary will carry out under this section;“(ii) describe how the Secretary will evaluate such vocational and technical education activities in accordance with paragraph (3); and“(iii) include such other information as the Secretary determines to be appropriate.

“(2) INDEPENDENT ADVISORY PANEL.—The Secretary shall appoint an independent advisory panel, consisting of vocational and technical education administrators, educators, researchers, and representatives of labor organizations, businesses, parents, guidance and counseling professionals, and other relevant groups, to advise the Secretary on the implementation of the assessment described in paragraph (3), including the issues to be addressed, the methodology of the studies involved, and the findings and recommendations resulting from the assessment. The panel shall submit to the Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Secretary an independent analysis of the findings and recommendations resulting from the assessment described in paragraph (3). The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel established under this subsection.

“(3) EVALUATION AND ASSESSMENT.—

“(A) IN GENERAL.—From amounts made available under paragraph (8), the Secretary shall provide for the conduct of an independent evaluation and assessment of vocational and technical education programs under this Act through studies and analyses conducted independently through grants, contracts, and cooperative agreements that are awarded on a competitive basis.

“(B) CONTENTS.—The assessment required under paragraph (1) shall include descriptions and evaluations of—

“(i) the extent to which State, local, and tribal entities have developed, implemented, or improved State and local vocational and technical education programs and the effect of programs assisted under this Act on that development, implementation, or improvement, including the capacity of State, tribal, and local vocational and technical education systems to achieve the purpose of this Act;

“(ii) the extent to which expenditures at the Federal, State, tribal, and local levels address program improvement in vocational and technical education, including the impact of Federal allocation requirements (such as within-State allocation formulas) on the delivery of services;

“(iii) the preparation and qualifications of teachers of vocational and technical, and academic, curricula in vocational and technical education programs, as well as shortages of such teachers;

“(iv) participation of students in vocational and technical education programs;

“(v) academic and employment outcomes of vocational and technical education, including analyses of—

“(I) the number of vocational and technical education students and tech-prep students who meet State adjusted levels of performance;

“(II) the extent and success of integration of academic, and vocational and technical, education for students participating in vocational and technical education programs; and

“(III) the extent to which vocational and technical education programs prepare students for subsequent employment in high-wage, high-skill careers or participation in postsecondary education;

“(vi) employer involvement in, and satisfaction with, vocational and technical education programs;

“(vii) the use and impact of educational technology and distance learning with respect to vocational and technical education and tech-prep programs; and

“(viii) the effect of State adjusted levels of performance and State levels of performance on

the delivery of vocational and technical education services.

“(C) REPORTS.—

“(i) IN GENERAL.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate—

“(I) an interim report regarding the assessment on or before January 1, 2002; and

“(II) a final report, summarizing all studies and analyses that relate to the assessment and that are completed after the assessment, on or before July 1, 2002.

“(ii) PROHIBITION.—Notwithstanding any other provision of law, the reports required by this subsection shall not be subject to any review outside the Department of Education before their transmittal to the Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Secretary, but the President, the Secretary, and the independent advisory panel established under paragraph (2) may make such additional recommendations to Congress with respect to the assessment as the President, the Secretary, or the panel determine to be appropriate.

“(4) COLLECTION OF STATE INFORMATION AND REPORT.—

“(A) IN GENERAL.—The Secretary may collect and disseminate information from States regarding State efforts to meet State adjusted levels of performance described in section 113.

“(B) REPORT.—The Secretary shall gather any information collected pursuant to subparagraph (A) and submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

“(5) RESEARCH.—

“(A) IN GENERAL.—The Secretary, after consulting with the States, shall award grants, contracts, or cooperative agreements on a competitive basis to an institution of higher education, a public or private nonprofit organization or agency, or a consortium of such institutions, organizations, or agencies to establish a national research center or centers—

“(i) to carry out research for the purpose of developing, improving, and identifying the most successful methods for successfully addressing the education, employment, and training needs of participants in vocational and technical education programs, including research and evaluation in such activities as—

“(I) the integration of vocational and technical instruction, and academic, secondary and postsecondary instruction;

“(II) education technology and distance learning approaches and strategies that are effective with respect to vocational and technical education;

“(III) State adjusted levels of performance and State levels of performance that serve to improve vocational and technical education programs and student achievement; and

“(IV) academic knowledge and vocational and technical skills required for employment or participation in postsecondary education;

“(ii) to carry out research to increase the effectiveness and improve the implementation of vocational and technical education programs, including conducting research and development, and studies, providing longitudinal information or formative evaluation with respect to vocational and technical education programs and student achievement;

“(iii) to carry out research that can be used to improve teacher training and learning in the vocational and technical education classroom, including—

“(I) effective inservice and preservice teacher education that assists vocational and technical education systems; and

“(II) dissemination and training activities related to the applied research and demonstration activities described in this subsection, which may also include serving as a repository for in-

formation on vocational and technical skills, State academic standards, and related materials; and

“(iv) to carry out such other research as the Secretary determines appropriate to assist State and local recipients of funds under this Act.

“(B) REPORT.—The center or centers conducting the activities described in subparagraph (A) shall annually prepare a report of key research findings of such center or centers and shall submit copies of the report to the Secretary, the Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, the Library of Congress, and each eligible agency.

“(C) DISSEMINATION.—The center or centers shall conduct dissemination and training activities based upon the research described in subparagraph (A).

“(6) DEMONSTRATIONS AND DISSEMINATION.—

“(A) DEMONSTRATION PROGRAM.—The Secretary is authorized to carry out demonstration vocational and technical education programs, to replicate model vocational and technical education programs, to disseminate best practices information, and to provide technical assistance upon request of a State, for the purposes of developing, improving, and identifying the most successful methods and techniques for providing vocational and technical education programs assisted under this Act.

“(B) DEMONSTRATION PARTNERSHIP.—

“(i) IN GENERAL.—The Secretary shall carry out a demonstration partnership project involving a 4-year, accredited postsecondary institution, in cooperation with local public education organizations, volunteer groups, and private sector business participants to provide program support, and facilities for education, training, tutoring, counseling, employment preparation, specific skills training in emerging and established professions, and for retraining of military medical personnel, individuals displaced by corporate or military restructuring, migrant workers, as well as other individuals who otherwise do not have access to such services, through multisite, multistate distance learning technologies.

“(ii) PROGRAM.—Such program may be carried out directly or through grants, contracts, cooperative agreements, or through the national center or centers established under paragraph (5).

“(7) DEFINITION.—In this section, the term ‘institution of higher education’ has the meaning given the term in section 101 of the Higher Education Act of 1965.

“(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 1999 and each of the 4 succeeding fiscal years.

“SEC. 115. ASSISTANCE FOR THE OUTLYING AREAS.

“(a) OUTLYING AREAS.—From funds reserved pursuant to section 111(a)(1)(A), the Secretary shall—

“(1) make a grant in the amount of \$500,000 to Guam; and

“(2) make a grant in the amount of \$190,000 to each of American Samoa and the Commonwealth of the Northern Mariana Islands.

“(b) REMAINDER.—Subject to the provisions of subsection (a), the Secretary shall make a grant of the remainder of funds reserved pursuant to section 111(a)(1)(A) to the Pacific Region Educational Laboratory in Honolulu, Hawaii, to make grants for vocational and technical education and training in 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, for the purpose of providing direct vocational and technical educational services, including—

“(1) teacher and counselor training and retraining;

“(2) curriculum development; and

“(3) the improvement of vocational and technical education and training programs in secondary schools and institutions of higher education, or improving cooperative education programs involving both secondary schools and institutions of higher education.

“(c) LIMITATION.—The Pacific Region Educational Laboratory may use not more than 5 percent of the funds received under subsection (b) for administrative costs.

“(d) RESTRICTION.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this title for any fiscal year that begins after September 30, 2001.

“SEC. 116. NATIVE AMERICAN PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ALASKA NATIVE.—The term ‘Alaska Native’ means a Native as such term is defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

“(2) BUREAU FUNDED SCHOOL.—The term ‘Bureau funded school’ has the meaning given the term in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

“(3) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.—The terms ‘Indian’, ‘Indian tribe’, and ‘tribal organization’ have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(4) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

“(5) NATIVE HAWAIIAN ORGANIZATION.—The term ‘Native Hawaiian organization’ has the meaning given the term in section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).

“(b) PROGRAM AUTHORIZED.—

“(1) AUTHORITY.—From funds reserved under section 111(a)(1)(B)(i), the Secretary shall make grants to and enter into contracts with Indian tribes, tribal organizations, and Alaska Native entities to carry out the authorized programs described in subsection (d), except that such grants or contracts shall not be awarded to secondary school programs in Bureau funded schools.

“(2) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—The grants or contracts described in this section (other than in subsection (i)) that are awarded to any Indian tribe or tribal organization shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) and shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934, which are relevant to the programs administered under this subsection.

“(3) SPECIAL AUTHORITY RELATING TO SECONDARY SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—An Indian tribe, a tribal organization, or an Alaska Native entity, that receives funds through a grant made or contract entered into under paragraph (1) may use the funds to provide assistance to a secondary school operated or supported by the Bureau of Indian Affairs to enable such school to carry out vocational and technical education programs.

“(4) MATCHING.—If sufficient funding is available, the Bureau of Indian Affairs shall expend an amount equal to the amount made available under this subsection, relating to programs for Indians, to pay a part of the costs of programs funded under this subsection. During each fiscal year the Bureau of Indian Affairs shall expend not less than the amount expended during the prior fiscal year on vocational and technical education programs, services, and technical activities administered either directly by, or under contract with, the Bureau of Indian Affairs, except that in no year shall funding for such programs, services, and activities be provided from accounts and programs that sup-

port other Indian education programs. The Secretary and the Assistant Secretary of the Interior for Indian Affairs shall prepare jointly a plan for the expenditure of funds made available and for the evaluation of programs assisted under this subsection. Upon the completion of a joint plan for the expenditure of the funds and the evaluation of the programs, the Secretary shall assume responsibility for the administration of the program, with the assistance and consultation of the Bureau of Indian Affairs.

“(5) REGULATIONS.—If the Secretary promulgates any regulations applicable to subsection (b)(2), the Secretary shall—

“(A) confer with, and allow for active participation by, representatives of Indian tribes, tribal organizations, and individual tribal members; and

“(B) promulgate the regulations under subchapter III of chapter 5 of title 5, United States Code, commonly known as the ‘Negotiated Rulemaking Act of 1990’.

“(6) APPLICATION.—Any Indian tribe, tribal organization, or Bureau funded school eligible to receive assistance under subsection (b) may apply individually or as part of a consortium with another such Indian tribe, tribal organization, or Bureau funded school.

“(c) AUTHORIZED ACTIVITIES.—

“(1) AUTHORIZED PROGRAMS.—Funds made available under this section shall be used to carry out vocational and technical education programs consistent with the purpose of this Act.

“(2) STIPENDS.—

“(A) IN GENERAL.—Funds received pursuant to grants or contracts awarded under subsection (b) may be used to provide stipends to students who are enrolled in vocational and technical education programs and who have acute economic needs which cannot be met through work-study programs.

“(B) AMOUNT.—Stipends described in subparagraph (A) shall not exceed reasonable amounts as prescribed by the Secretary.

“(d) GRANT OR CONTRACT APPLICATION.—In order to receive a grant or contract under this section an organization, tribe, or entity described in subsection (b) shall submit an application to the Secretary that shall include an assurance that such organization, tribe, or entity shall comply with the requirements of this section.

“(e) RESTRICTIONS AND SPECIAL CONSIDERATIONS.—The Secretary may not place upon grants awarded or contracts entered into under subsection (b) any restrictions relating to programs other than restrictions that apply to grants made to or contracts entered into with States pursuant to allotments under section 111(a). The Secretary, in awarding grants and entering into contracts under this paragraph, shall ensure that the grants and contracts will improve vocational and technical education programs, and shall give special consideration to—

“(1) programs that involve, coordinate with, or encourage tribal economic development plans; and

“(2) applications from tribally controlled colleges or universities that—

“(A) are accredited or are candidates for accreditation by a nationally recognized accreditation organization as an institution of postsecondary vocational and technical education; or

“(B) operate vocational and technical education programs that are accredited or are candidates for accreditation by a nationally recognized accreditation organization and issue certificates for completion of vocational and technical education programs.

“(f) CONSOLIDATION OF FUNDS.—Each organization, tribe, or entity receiving assistance under this section may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C 3401 et seq.).

“(g) NONDUPLICATIVE AND NONEXCLUSIVE SERVICES.—Nothing in this section shall be construed—

“(1) to limit the eligibility of any organization, tribe, or entity described in subsection (b) to participate in any activity offered by an eligible agency or eligible recipient under this title; or

“(2) to preclude or discourage any agreement, between any organization, tribe, or entity described in subsection (b) and any eligible agency or eligible recipient, to facilitate the provision of services by such eligible agency or eligible recipient to the population served by such eligible agency or eligible recipient.

“(h) NATIVE HAWAIIAN PROGRAMS.—From the funds reserved pursuant to section 111(a)(1)(B)(ii), the Secretary shall award grants to or enter into contracts with organizations primarily serving and representing Native Hawaiians which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this section for the benefit of Native Hawaiians.

“SEC. 117. TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL AND TECHNICAL INSTITUTIONS.

“(a) GRANTS AUTHORIZED.—The Secretary shall, subject to the availability of appropriations, make grants pursuant to this section to tribally controlled postsecondary vocational and technical institutions to provide basic support for the education and training of Indian students.

“(b) USE OF GRANTS.—Amounts made available pursuant to this section shall be used for vocational and technical education programs.

“(c) AMOUNT OF GRANTS.—

“(1) IN GENERAL.—If the sums appropriated for any fiscal year for grants under this section are not sufficient to pay in full the total amount which approved applicants are eligible to receive under this section for such fiscal year, the Secretary shall first allocate to each such applicant who received funds under this part for the preceding fiscal year an amount equal to 100 percent of the product of the per capita payment for the preceding fiscal year and such applicant’s Indian student count for the current program year, plus an amount equal to the actual cost of any increase to the per capita figure resulting from inflationary increases to necessary costs beyond the institution’s control.

“(2) PER CAPITA DETERMINATION.—For the purposes of paragraph (1), the per capita payment for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled postsecondary vocational and technical institutions under this section for such program year by the sum of the Indian student counts of such institutions for such program year. The Secretary shall, on the basis of the most accurate data available from the institutions, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this section.

“(d) APPLICATIONS.—Any tribally controlled postsecondary vocational and technical institution that desires to receive a grant under this section shall submit an application to the Secretary in such manner and form as the Secretary may require.

“(e) EXPENSES.—

“(1) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, provide for each program year to each tribally controlled postsecondary vocational and technical institution having an application approved by the Secretary, an amount necessary to pay expenses associated with—

“(A) the maintenance and operation of the program, including development costs, costs of basic and special instruction (including special programs for individuals with disabilities and academic instruction), materials, student costs, administrative expenses, boarding costs, trans-

portation, student services, daycare and family support programs for students and their families (including contributions to the costs of education for dependents), and student stipends;

“(B) capital expenditures, including operations and maintenance, and minor improvements and repair, and physical plant maintenance costs, for the conduct of programs funded under this section; and

“(C) costs associated with repair, upkeep, replacement, and upgrading of the instructional equipment.

“(2) ACCOUNTING.—Each institution receiving a grant under this section shall provide annually to the Secretary an accurate and detailed accounting of the institution’s operating and maintenance expenses and such other information concerning costs as the Secretary may reasonably require.

“(f) OTHER PROGRAMS.—

“(1) IN GENERAL.—Except as specifically provided in this Act, eligibility for assistance under this section shall not preclude any tribally controlled postsecondary vocational and technical institution from receiving Federal financial assistance under any program authorized under the Higher Education Act of 1965, or any other applicable program for the benefit of institutions of higher education or vocational and technical education.

“(2) PROHIBITION ON ALTERATION OF GRANT AMOUNT.—The amount of any grant for which tribally controlled postsecondary vocational and technical institutions are eligible under this section shall not be altered because of funds allocated to any such institution from funds appropriated under the Act of November 2, 1921 (commonly known as the ‘Snyder Act’) (42 Stat. 208, chapter 115; 25 U.S.C. 13).

“(3) PROHIBITION ON CONTRACT DENIAL.—No tribally controlled postsecondary vocational and technical institution for which an Indian tribe has designated a portion of the funds appropriated for the tribe from funds appropriated under the Act of November 2, 1921, may be denied a contract for such portion under the Indian Self-Determination and Education Assistance Act (except as provided in that Act), or denied appropriate contract support to administer such portion of the appropriated funds.

“(g) NEEDS ESTIMATE AND REPORT ON FACILITIES AND FACILITIES IMPROVEMENT.—

“(1) NEEDS ESTIMATE.—The Secretary shall, based on the most accurate data available from the institutions and Indian tribes whose Indian students are served under this section, and in consideration of employment needs, economic development needs, population training needs, and facilities needs, prepare an actual budget needs estimate for each institution eligible under this section for each subsequent program year, and submit such budget needs estimate to Congress in such a timely manner as will enable the appropriate committees of Congress to consider such needs data for purposes of the uninterrupted flow of adequate appropriations to such institutions. Such data shall take into account the purposes and requirements of part A of title IV of the Social Security Act.

“(2) STUDY OF TRAINING AND HOUSING NEEDS.—

“(A) IN GENERAL.—The Secretary shall conduct a detailed study of the training, housing, and immediate facilities needs of each institution eligible under this section. The study shall include an examination of—

“(i) training equipment needs;

“(ii) housing needs of families whose heads of households are students and whose dependents have no alternate source of support while such heads of households are students; and

“(iii) immediate facilities needs.

“(B) REPORT.—The Secretary shall report to Congress not later than July 1, 2000, on the results of the study required by subparagraph (A).

“(C) CONTENTS.—The report required by subparagraph (B) shall include the number, type, and cost of meeting the needs described in subparagraph (A), and rank each institution by relative need.

“(D) PRIORITY.—In conducting the study required by subparagraph (A), the Secretary shall give priority to institutions that are receiving assistance under this section.

“(3) LONG-TERM STUDY OF FACILITIES.—

“(A) IN GENERAL.—The Secretary shall provide for the conduct of a long-term study of the facilities of each institution eligible for assistance under this section.

“(B) CONTENTS.—The study required by subparagraph (A) shall include a 5-year projection of training facilities, equipment, and housing needs and shall consider such factors as projected service population, employment, and economic development forecasting, based on the most current and accurate data available from the institutions and Indian tribes affected.

“(C) SUBMISSION.—The Secretary shall submit to Congress a detailed report on the results of such study not later than the end of the 18-month period beginning on the date of enactment of this Act.

“(h) DEFINITIONS.—In this section:

“(1) INDIAN.—The terms ‘Indian’ and ‘Indian tribe’ have the meanings given the terms in section 2 of the Tribally Controlled College or University Assistance Act of 1978.

“(2) INDIAN STUDENT COUNT.—The term ‘Indian student count’ means a number equal to the total number of Indian students enrolled in each tribally controlled postsecondary vocational and technical institution, determined as follows:

“(A) REGISTRATIONS.—The registrations of Indian students as in effect on October 1 of each year.

“(B) SUMMER TERM.—Credits or clock hours toward a certificate earned in classes offered during a summer term shall be counted toward the computation of the Indian student count in the succeeding fall term.

“(C) ADMISSION CRITERIA.—Credits or clock hours toward a certificate earned in classes during a summer term shall be counted toward the computation of the Indian student count if the institution at which the student is in attendance has established criteria for the admission of such student on the basis of the student’s ability to benefit from the education or training offered. The institution shall be presumed to have established such criteria if the admission procedures for such studies include counseling or testing that measures the student’s aptitude to successfully complete the course in which the student has enrolled. No credit earned by such student for purposes of obtaining a secondary school degree or its recognized equivalent shall be counted toward the computation of the Indian student count.

“(D) DETERMINATION OF HOURS.—Indian students earning credits in any continuing education program of a tribally controlled postsecondary vocational and technical institution shall be included in determining the sum of all credit or clock hours.

“(E) CONTINUING EDUCATION.—Credits or clock hours earned in a continuing education program shall be converted to the basis that is in accordance with the institution’s system for providing credit for participation in such programs.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$4,000,000 for fiscal year 1999 and each of the 4 succeeding fiscal years.

“SEC. 118. OCCUPATIONAL AND EMPLOYMENT INFORMATION.

“(a) NATIONAL ACTIVITIES.—From funds appropriated under subsection (f), the Secretary, in consultation with appropriate Federal agencies, is authorized—

“(1) to provide assistance to an entity to enable the entity—

“(A) to provide technical assistance to State entities designated under subsection (b) to enable the State entities to carry out the activities described in subsection (b);

“(B) to disseminate information that promotes the replication of high quality practices described in subsection (b);

“(C) to develop and disseminate products and services related to the activities described in subsection (b); and

“(2) to award grants to States that designate State entities in accordance with subsection (b) to enable the State entities to carry out the State level activities described in subsection (b).

“(b) STATE LEVEL ACTIVITIES.—In order for a State to receive a grant under this section, the eligible agency and the Governor of the State shall jointly designate an entity in the State—

“(1) to provide support for a career guidance and academic counseling program designed to promote improved career and education decisionmaking by individuals (especially in areas of career information delivery and use);

“(2) to make available to students, parents, teachers, administrators, and counselors, and to improve accessibility with respect to, information and planning resources that relate educational preparation to career goals and expectations;

“(3) to equip teachers, administrators, and counselors with the knowledge and skills needed to assist students and parents with career exploration, educational opportunities, and educational financing.

“(4) to assist appropriate State entities in tailoring career-related educational resources and training for use by such entities;

“(5) to improve coordination and communication among administrators and planners of programs authorized by this Act and by section 15 of the Wagner-Peyser Act at the Federal, State, and local levels to ensure nonduplication of efforts and the appropriate use of shared information and data; and

“(6) to provide ongoing means for customers, such as students and parents, to provide comments and feedback on products and services and to update resources, as appropriate, to better meet customer requirements.

“(c) NONDUPLICATION.—

“(1) WAGNER-PEYSER ACT.—The State entity designated under subsection (b) may use funds provided under subsection (b) to supplement activities under section 15 of the Wagner-Peyser Act to the extent such activities do not duplicate activities assisted under such section.

“(2) PUBLIC LAW 105-220.—None of the functions and activities assisted under this section shall duplicate the functions and activities carried out under Public Law 105-220.

“(d) FUNDING RULE.—Of the amounts appropriated to carry out this section, the Federal entity designated under subsection (a) shall use—

“(1) not less than 85 percent to carry out subsection (b); and

“(2) not more than 15 percent to carry out subsection (a).

“(e) REPORT.—The Secretary, in consultation with appropriate Federal agencies, shall prepare and submit to the appropriate committees of Congress, an annual report that includes—

“(1) an identification of activities assisted under this section during the prior program year;

“(2) a description of the specific products and services assisted under this section that were delivered in the prior program year; and

“(3) an assessment of the extent to which States have effectively coordinated activities assisted under this section with activities authorized under section 15 of the Wagner-Peyser Act.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1999 through 2003.

“PART B—STATE PROVISIONS

“SEC. 121. STATE ADMINISTRATION.

“(a) ELIGIBLE AGENCY RESPONSIBILITIES.—

“(1) IN GENERAL.—The responsibilities of an eligible agency under this title shall include—

“(A) coordination of the development, submission, and implementation of the State plan, and the evaluation of the program, services, and activities assisted under this title, including preparation for nontraditional training and employment;

“(B) consultation with the Governor and appropriate agencies, groups, and individuals including parents, students, teachers, representatives of businesses, labor organizations, eligible recipients, State and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under this title;

“(C) convening and meeting as an eligible agency (consistent with State law and procedure for the conduct of such meetings) at such time as the eligible agency determines necessary to carry out the eligible agency’s responsibilities under this title, but not less than 4 times annually; and

“(D) the adoption of such procedures as the eligible agency considers necessary to—

“(i) implement State level coordination with the activities undertaken by the State boards under section 111 of Public Law 105-220; and

“(ii) make available to the service delivery system under section 121 of Public Law 105-220 within the State a listing of all school dropout, postsecondary, and adult programs assisted under this title.

“(2) EXCEPTION.—Except with respect to the responsibilities set forth in paragraph (1), the eligible agency may delegate any of the other responsibilities of the eligible agency that involve the administration, operation, supervision of activities assisted under this title, in whole or in part, to 1 or more appropriate State agencies.

“SEC. 122. STATE PLAN.

“(a) STATE PLAN.—

“(1) IN GENERAL.—Each eligible agency desiring assistance under this title for any fiscal year shall prepare and submit to the Secretary a State plan for a 5-year period, together with such annual revisions as the eligible agency determines to be necessary.

“(2) REVISIONS.—Each eligible agency—

“(A) may submit such annual revisions of the State plan to the Secretary as the eligible agency determines to be necessary; and

“(B) shall, after the second year of the 5 year State plan, conduct a review of activities assisted under this title and submit any revisions of the State plan that the eligible agency determines necessary to the Secretary.

“(3) HEARING PROCESS.—The eligible agency shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups (including employers, labor organizations, and parents), an opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the eligible agency’s response to such recommendations shall be included in the State plan.

“(b) PLAN DEVELOPMENT.—

“(1) IN GENERAL.—The eligible agency shall develop the State plan in consultation with teachers, eligible recipients, parents, students, interested community members, representatives of special populations, representatives of business and industry, and representatives of labor organizations in the State, and shall consult the Governor of the State with respect to such development.

“(2) ACTIVITIES AND PROCEDURES.—The eligible agency shall develop effective activities and procedures, including access to information needed to use such procedures, to allow the individuals described in paragraph (1) to participate in State and local decisions that relate to development of the State plan.

“(c) PLAN CONTENTS.—The State plan shall include information that—

“(1) describes the vocational and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of—

“(A) the secondary and postsecondary vocational and technical education programs to be carried out, including programs that will be carried out by the eligible agency to develop, improve, and expand access to quality, state-of-

the-art technology in vocational and technical education programs;

“(B) the criteria that will be used by the eligible agency in approving applications by eligible recipients for funds under this title;

“(C) how such programs will prepare vocational and technical education students for opportunities in postsecondary education or entry into high skill, high wage jobs in current and emerging occupations; and

“(D) how funds will be used to improve or develop new vocational and technical education courses;

“(2) describes how comprehensive professional development (including initial teacher preparation) for vocational and technical, academic, guidance, and administrative personnel will be provided;

“(3) describes how the eligible agency will actively involve parents, teachers, local businesses (including small- and medium-sized businesses), and labor organizations in the planning, development, implementation, and evaluation of such vocational and technical education programs;

“(4) describes how funds received by the eligible agency through the allotment made under section 111 will be allocated—

“(A) among secondary school vocational and technical education, or postsecondary and adult vocational and technical education, or both, including the rationale for such allocation; and

“(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;

“(5) describes how the eligible agency will—

“(A) improve the academic and technical skills of students participating in vocational and technical education programs, including strengthening the academic, and vocational and technical, components of vocational and technical education programs through the integration of academics with vocational and technical education to ensure learning in the core academic, and vocational and technical, subjects, and provide students with strong experience in, and understanding of, all aspects of an industry; and

“(B) ensure that students who participate in such vocational and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students;

“(6) describes how the eligible agency will annually evaluate the effectiveness of such vocational and technical education programs, and describe, to the extent practicable, how the eligible agency is coordinating such programs to ensure nonduplication with other existing Federal programs;

“(7) describes the eligible agency’s program strategies for special populations;

“(8) describes how individuals who are members of the special populations—

“(A) will be provided with equal access to activities assisted under this title;

“(B) will not be discriminated against on the basis of their status as members of the special populations; and

“(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage careers;

“(9) describe what steps the eligible agency shall take to involve representatives of eligible recipients in the development of the State adjusted levels of performance;

“(10) provides assurances that the eligible agency will comply with the requirements of this title and the provisions of the State plan, including the provision of a financial audit of funds received under this title which may be included as part of an audit of other Federal or State programs;

“(11) provides assurances that none of the funds expended under this title will be used to acquire equipment (including computer soft-

ware) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity, the employees of the purchasing entity, or any affiliate of such an organization;

“(12) describes how the eligible agency will report data relating to students participating in vocational and technical education in order to adequately measure the progress of the students, including special populations;

“(13) describes how the eligible agency will adequately address the needs of students in alternative education programs, if appropriate;

“(14) describes how the eligible agency will provide local educational agencies, area vocational and technical education schools, and eligible institutions in the State with technical assistance;

“(15) describes how vocational and technical education relates to State and regional occupational opportunities;

“(16) describes the methods proposed for the joint planning and coordination of programs carried out under this title with other Federal education programs;

“(17) describes how funds will be used to promote preparation for nontraditional training and employment;

“(18) describes how funds will be used to serve individuals in State correctional institutions;

“(19) describes how funds will be used effectively to link secondary and postsecondary education;

“(20) describes how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this title and the data the eligible agency reports to the Secretary are complete, accurate, and reliable; and

“(21) contains the description and information specified in sections 112(b)(8) and 121(c) of Public Law 105-220 concerning the provision of services only for postsecondary students and school dropouts.

“(d) PLAN OPTION.—The eligible agency may fulfill the requirements of subsection (a) by submitting a plan under section 501 of Public Law 105-220.

“(e) PLAN APPROVAL.—

“(1) IN GENERAL.—The Secretary shall approve a State plan, or a revision to an approved State plan, unless the Secretary determines that—

“(A) the State plan, or revision, respectively, does not meet the requirements of this section; or

“(B) the State’s levels of performance on the core indicators of performance consistent with section 113 are not sufficiently rigorous to meet the purpose of this Act.

“(2) DISAPPROVAL.—The Secretary shall not finally disapprove a State plan, except after giving the eligible agency notice and an opportunity for a hearing.

“(3) CONSULTATION.—The eligible agency shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult vocational and technical education, postsecondary vocational and technical education, tech-prep education, and secondary vocational and technical education after consultation with the State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary vocational and technical education, and the State agency responsible for secondary education. If a State agency finds that a portion of the final State plan is objectionable, the State agency shall file such objections with the eligible agency. The eligible agency shall respond to any objections of the State agency in the State plan submitted to the Secretary.

“(4) TIMEFRAME.—A State plan shall be deemed approved by the Secretary if the Secretary has not responded to the eligible agency regarding the State plan within 90 days of the date the Secretary receives the State plan.

“(f) **TRANSITION.**—This section shall be subject to section 4 for fiscal year 1999 only, with respect to activities under this section.

“SEC. 123. IMPROVEMENT PLANS.

“(a) **STATE PROGRAM IMPROVEMENT PLAN.**—If a State fails to meet the State adjusted levels of performance described in the report submitted under section 113(c), the eligible agency shall develop and implement a program improvement plan in consultation with appropriate agencies, individuals, and organizations for the first program year succeeding the program year in which the eligible agency failed to meet the State adjusted levels of performance, in order to avoid a sanction under subsection (d).

“(b) **LOCAL EVALUATION.**—Each eligible agency shall evaluate annually, using the State adjusted levels of performance, the vocational and technical education activities of each eligible recipient receiving funds under this title.

“(c) LOCAL IMPROVEMENT PLAN.—

“(1) **IN GENERAL.**—If, after reviewing the evaluation, the eligible agency determines that an eligible recipient is not making substantial progress in achieving the State adjusted levels of performance, the eligible agency shall—

“(A) conduct an assessment of the educational needs that the eligible recipient shall address to overcome local performance deficiencies;

“(B) enter into an improvement plan based on the results of the assessment, which plan shall include instructional and other programmatic innovations of demonstrated effectiveness, and where necessary, strategies for appropriate staffing and staff development; and

“(C) conduct regular evaluations of the progress being made toward reaching the State adjusted levels of performance.

“(2) **CONSULTATION.**—The eligible agency shall conduct the activities described in paragraph (1) in consultation with teachers, parents, other school staff, appropriate agencies, and other appropriate individuals and organizations.

“(d) SANCTIONS.—

“(1) **TECHNICAL ASSISTANCE.**—If the Secretary determines that an eligible agency is not properly implementing the eligible agency’s responsibilities under section 122, or is not making substantial progress in meeting the purpose of this Act, based on the State adjusted levels of performance, the Secretary shall work with the eligible agency to implement improvement activities consistent with the requirements of this Act.

“(2) **FAILURE.**—If an eligible agency fails to meet the State adjusted levels of performance, has not implemented an improvement plan as described in paragraph (1), or has failed to meet the State adjusted levels of performance for 2 or more consecutive years, the Secretary may, after notice and opportunity for a hearing, withhold from the eligible agency all, or a portion of, the eligible agency’s allotment under this title. The Secretary may waive the sanction under this paragraph due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

“(3) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—

“(A) **IN GENERAL.**—The Secretary shall use funds withheld under paragraph (2), for a State served by an eligible agency, to provide (through alternative arrangements) services and activities within the State to meet the purpose of this Act.

“(B) **REDISTRIBUTION.**—If the Secretary cannot satisfactorily use funds withheld under paragraph (2), then the amount of funds retained by the Secretary as a result of a reduction in an allotment made under paragraph (2) shall be redistributed to other eligible agencies in accordance with section 111.

“SEC. 124. STATE LEADERSHIP ACTIVITIES.

“(a) **GENERAL AUTHORITY.**—From amounts reserved under section 112(a)(2), each eligible agency shall conduct State leadership activities.

“(b) **REQUIRED USES OF FUNDS.**—The State leadership activities described in subsection (a) shall include—

“(1) an assessment of the vocational and technical education programs carried out with funds under this title that includes an assessment of how the needs of special populations are being met and how such programs are designed to enable special populations to meet State adjusted levels of performance and prepare the special populations for further learning or for high skill, high wage careers;

“(2) developing, improving, or expanding the use of technology in vocational and technical education that may include—

“(A) training of vocational and technical education personnel to use state-of-the-art technology, that may include distance learning;

“(B) providing vocational and technical education students with the academic, and vocational and technical, skills that lead to entry into the high technology and telecommunications field; or

“(C) encouraging schools to work with high technology industries to offer voluntary internships and mentoring programs;

“(3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for vocational and technical, academic, guidance, and administrative personnel, that—

“(A) will provide inservice and preservice training in state-of-the-art vocational and technical education programs and techniques, effective teaching skills based on research, and effective practices to improve parental and community involvement; and

“(B) will help teachers and personnel to assist students in meeting the State adjusted levels of performance established under section 113;

“(C) will support education programs for teachers of vocational and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to vocational and technical education students to ensure that such teachers stay current with the needs, expectations, and methods of industry; and

“(D) is integrated with the professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6001 et seq.) and title II of the Higher Education Act of 1965;

“(4) support for vocational and technical education programs that improve the academic, and vocational and technical, skills of students participating in vocational and technical education programs by strengthening the academic, and vocational and technical, components of such vocational and technical education programs through the integration of academics with vocational and technical education to ensure learning in the core academic, and vocational and technical, subjects;

“(5) providing preparation for nontraditional training and employment;

“(6) supporting partnerships among local educational agencies, institutions of higher education, adult education providers, and, as appropriate, other entities, such as employers, labor organizations, parents, and local partnerships, to enable students to achieve State academic standards, and vocational and technical skills;

“(7) serving individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

“(8) support for programs for special populations that lead to high skill, high wage careers.

“(c) **PERMISSIBLE USES OF FUNDS.**—The leadership activities described in subsection (a) may include—

“(1) technical assistance for eligible recipients;

“(2) improvement of career guidance and academic counseling programs that assist students in making informed academic, and vocational and technical education, decisions;

“(3) establishment of agreements between secondary and postsecondary vocational and technical education programs in order to provide postsecondary education and training opportunities for students participating in such vocational and technical education programs, such as tech-prep programs;

“(4) support for cooperative education;

“(5) support for vocational and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;

“(6) support for public charter schools operating secondary vocational and technical education programs;

“(7) support for vocational and technical education programs that offer experience in, and understanding of, all aspects of an industry for which students are preparing to enter;

“(8) support for family and consumer sciences programs;

“(9) support for education and business partnerships;

“(10) support to improve or develop new vocational and technical education courses;

“(11) providing vocational and technical education programs for adults and school dropouts to complete their secondary school education; and

“(12) providing assistance to students, who have participated in services and activities under this title, in finding an appropriate job and continuing their education.

“(d) **RESTRICTION ON USES OF FUNDS.**—An eligible agency that receives funds under section 112(a)(2) may not use any of such funds for administrative costs.

“PART C—LOCAL PROVISIONS

“SEC. 131. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL PROGRAMS.

“(a) **DISTRIBUTION FOR FISCAL YEAR 1999.**—Except as provided in section 133 and as otherwise provided in this section, each eligible agency shall distribute the portion of the funds made available under section 112(a)(1) to carry out this section for fiscal year 1999 to local educational agencies within the State as follows:

“(1) **SEVENTY PERCENT.**—From 70 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 70 percent as the amount such local educational agency was allocated under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 0634) for the preceding fiscal year bears to the total amount received under such section by all local educational agencies in the State for such preceding fiscal year.

“(2) **TWENTY PERCENT.**—From 20 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 20 percent as the number of students with disabilities who have individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) served by such local educational agency for the preceding fiscal year bears to the total number of such students served by all local educational agencies in the State for such preceding fiscal year.

“(3) **TEN PERCENT.**—From 10 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 10 percent as the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of such local educational agency for the preceding fiscal year bears to the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of all local educational agencies in the State for such preceding fiscal year.

“(b) **SPECIAL DISTRIBUTION RULES FOR SUCCEEDING FISCAL YEARS.**—Except as provided in section 133 and as otherwise provided in this section, each eligible agency shall distribute the portion of funds made available under section 112(a)(1) to carry out this section for fiscal year

2000 and succeeding fiscal years to local educational agencies within the State as follows:

“(1) 30 PERCENT.—30 percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such local educational agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding fiscal year.

“(2) 70 PERCENT.—70 percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such local educational agency from families with incomes below 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 (42 U.S.C. 9902(2))) applicable to a family of the size involved for the fiscal year for which the determination is made compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for such preceding fiscal year.

“(c) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—The Secretary may waive the application of subsection (b) in the case of any eligible agency that submits to the Secretary an application for such a waiver that—

“(1) demonstrates that a proposed alternative formula more effectively targets funds on the basis of poverty (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 (42 U.S.C. 9902(2))) to local educational agencies within the State than the formula described in subsection (b); and

“(2) includes a proposal for such an alternative formula.

“(d) MINIMUM ALLOCATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a local educational agency shall not receive an allocation under subsection (a) unless the amount allocated to such agency under subsection (a) is greater than \$15,000. A local educational agency may enter into a consortium with other local educational agencies for purposes of meeting the minimum allocation requirement of this paragraph.

“(2) WAIVER.—The eligible agency shall waive the application of paragraph (1) in any case in which the local educational agency—

“(A)(i) is located in a rural, sparsely populated area, or

“(ii) is a public charter school operating secondary vocational and technical education programs; and

“(B) demonstrates that the local educational agency is unable to enter into a consortium for purposes of providing activities under this part.

“(3) REDISTRIBUTION.—Any amounts that are not allocated by reason of paragraph (1) or paragraph (2) shall be redistributed to local educational agencies that meet the requirements of paragraph (1) or (2) in accordance with the provisions of this section.

“(e) LIMITED JURISDICTION AGENCIES.—

“(1) IN GENERAL.—In applying the provisions of subsection (a), no eligible agency receiving assistance under this title shall allocate funds to a local educational agency that serves only elementary schools, but shall distribute such funds to the local educational agency or regional educational agency that provides secondary school services to secondary school students in the same attendance area.

“(2) SPECIAL RULE.—The amount to be allocated under paragraph (1) to a local educational agency that has jurisdiction only over secondary schools shall be determined based on the number of students that entered such secondary schools in the previous year from the elementary schools involved.

“(f) ALLOCATIONS TO AREA VOCATIONAL AND TECHNICAL EDUCATION SCHOOLS AND EDUCATIONAL SERVICE AGENCIES.—

“(1) IN GENERAL.—Each eligible agency shall distribute the portion of funds made available under section 112(a)(1) for any fiscal year by such eligible agency for secondary school vocational and technical education activities under this section to the appropriate area vocational and technical education school or educational service agency in any case in which the area vocational and technical education school or educational service agency, and the local educational agency concerned—

“(A) have formed or will form a consortium for the purpose of receiving funds under this section; or

“(B) have entered into or will enter into a cooperative arrangement for such purpose.

“(2) ALLOCATION BASIS.—If an area vocational and technical education school or educational service agency meets the requirements of paragraph (1), then the amount that would otherwise be distributed to the local educational agency shall be allocated to the area vocational and technical education school, the educational service agency, and the local educational agency based on each school, agency or entity's relative share of students who are attending vocational and technical education programs (based, if practicable, on the average enrollment for the preceding 3 years);

“(3) APPEALS PROCEDURE.—The eligible agency shall establish an appeals procedure for resolution of any dispute arising between a local educational agency and an area vocational and technical education school or an educational service agency with respect to the allocation procedures described in this section, including the decision of a local educational agency to leave a consortium or terminate a cooperative arrangement.

“(g) CONSORTIUM REQUIREMENTS.—

“(1) ALLIANCE.—Any local educational agency receiving an allocation that is not sufficient to conduct a program which meets the requirements of section 135 is encouraged to—

“(A) form a consortium or enter into a cooperative agreement with an area vocational and technical education school or educational service agency offering programs that meet the requirements of section 135; and

“(B) transfer such allocation to the area vocational and technical education school or educational service agency; and

“(C) operate programs that are of sufficient size, scope, and quality to be effective.

“(2) FUNDS TO CONSORTIUM.—Funds allocated to a consortium formed to meet the requirements of this paragraph shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and can be used only for programs authorized under this title. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefiting only one member of the consortium.

“(h) DATA.—The Secretary shall collect information from eligible agencies regarding the specific dollar allocations made available by the eligible agency for vocational and technical education programs under subsections (a), (b), (c), and (d) and how these allocations are distributed to local educational agencies, area vocational and technical education schools, and educational service agencies, within the State in accordance with this section.

“(i) SPECIAL RULE.—Each eligible agency distributing funds under this section shall treat a secondary school funded by the Bureau of Indian Affairs within the State as if such school were a local educational agency within the State for the purpose of receiving a distribution under this section.

“SEC. 132. DISTRIBUTION OF FUNDS FOR POST-SECONDARY VOCATIONAL AND TECHNICAL EDUCATION PROGRAMS.

“(a) ALLOCATION.—

“(1) IN GENERAL.—Except as provided in subsections (b) and (c) and section 133, each eligible agency shall distribute the portion of the funds made available under section 112(a)(1) to carry

out this section for any fiscal year to eligible institutions or consortia of eligible institutions within the State.

“(2) FORMULA.—Each eligible institution or consortium of eligible institutions shall be allocated an amount that bears the same relationship to the portion of funds made available under section 112(a)(1) to carry out this section for any fiscal year as the sum of the number of individuals who are Federal Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs enrolled in programs meeting the requirements of section 135 offered by such institution or consortium in the preceding fiscal year bears to the sum of the number of such recipients enrolled in such programs within the State for such year.

“(3) CONSORTIUM REQUIREMENTS.—

“(A) IN GENERAL.—In order for a consortium of eligible institutions described in paragraph (2) to receive assistance pursuant to such paragraph, such consortium shall operate joint projects that—

“(i) provide services to all postsecondary institutions participating in the consortium; and

“(ii) are of sufficient size, scope, and quality to be effective.

“(B) FUNDS TO CONSORTIUM.—Funds allocated to a consortium formed to meet the requirements of this section shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and shall be used only for programs authorized under this title. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefiting only one member of the consortium.

“(4) WAIVER.—The eligible agency may waive the application of paragraph (3)(A)(i) in any case in which the eligible institution is located in a rural, sparsely populated area.

“(b) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—The Secretary may waive the application of subsection (a) if an eligible agency submits to the Secretary an application for such a waiver that—

“(1) demonstrates that the formula described in subsection (a) does not result in a distribution of funds to the eligible institutions or consortia within the State that have the highest numbers of economically disadvantaged individuals and that an alternative formula will result in such a distribution; and

“(2) includes a proposal for such an alternative formula.

“(c) MINIMUM GRANT AMOUNT.—

“(1) IN GENERAL.—No institution or consortium shall receive an allocation under this section in an amount that is less than \$50,000.

“(2) REDISTRIBUTION.—Any amounts that are not distributed by reason of paragraph (1) shall be redistributed to eligible institutions or consortia in accordance with this section.

“SEC. 133. SPECIAL RULES FOR VOCATIONAL AND TECHNICAL EDUCATION.

“(a) SPECIAL RULE FOR MINIMAL ALLOCATION.—

“(1) GENERAL AUTHORITY.—Notwithstanding the provisions of sections 131 and 132 and in order to make a more equitable distribution of funds for programs serving the areas of greatest economic need, for any program year for which a minimal amount is made available by an eligible agency for distribution under section 131 or 132, such State may distribute such minimal amount for such year—

“(A) on a competitive basis; or

“(B) through any alternative method determined by the State.

“(2) MINIMAL AMOUNT.—For purposes of this section, the term ‘minimal amount’ means not more than 15 percent of the total amount made available for distribution under section 112(a)(1).

“(b) REDISTRIBUTION.—

“(1) IN GENERAL.—In any academic year that an eligible recipient does not expend all of the amounts the eligible recipient is allocated for

such year under section 131 or 132, such eligible recipient shall return any unexpended amounts to the eligible agency to be reallocated under section 131 or 132, as appropriate.

"(2) **REDISTRIBUTION OF AMOUNTS RETURNED LATE IN AN ACADEMIC YEAR.**—In any academic year in which amounts are returned to the eligible agency under section 131 or 132 and the eligible agency is unable to reallocate such amounts according to such sections in time for such amounts to be expended in such academic year, the eligible agency shall retain such amounts for distribution in combination with amounts provided under section 112(a)(1) for the following academic year.

"(c) **CONSTRUCTION.**—Nothing in section 131 or 132 shall be construed—

"(1) to prohibit a local educational agency or a consortium thereof that receives assistance under section 131, from working with an eligible institution or consortium thereof that receives assistance under section 132, to carry out secondary school vocational and technical education programs in accordance with this title;

"(2) to prohibit an eligible institution or consortium thereof that receives assistance under section 132, from working with a local educational agency or consortium thereof that receives assistance under section 131, to carry out postsecondary and adult vocational and technical education programs in accordance with this title; or

"(3) to require a charter school, that provides vocational and technical education programs and is considered a local educational agency under State law, to jointly establish the charter school's eligibility for assistance under this title unless the charter school is explicitly permitted to do so under the State's charter school statute.

"(d) **CONSISTENT APPLICATION.**—For purposes of this section, the eligible agency shall provide funds to charter schools offering vocational and technical education programs in the same manner as the eligible agency provides those funds to other schools. Such vocational and technical education programs within a charter school shall be of sufficient size, scope, and quality to be effective.

"SEC. 134. LOCAL PLAN FOR VOCATIONAL AND TECHNICAL EDUCATION PROGRAMS.

"(a) **LOCAL PLAN REQUIRED.**—Any eligible recipient desiring financial assistance under this part shall, in accordance with requirements established by the eligible agency (in consultation with such other educational entities as the eligible agency determines to be appropriate) submit a local plan to the eligible agency. Such local plan shall cover the same period of time as the period of time applicable to the State plan submitted under section 122.

"(b) **CONTENTS.**—The eligible agency shall determine requirements for local plans, except that each local plan shall—

"(1) describe how the vocational and technical education programs required under section 135(b) will be carried out with funds received under this title;

"(2) describe how the vocational and technical education activities will be carried out with respect to meeting State adjusted levels of performance established under section 113;

"(3) describe how the eligible recipient will—

"(A) improve the academic and technical skills of students participating in vocational and technical education programs by strengthening the academic, and vocational and technical, components of such programs through the integration of academics with vocational and technical education programs through a coherent sequence of courses to ensure learning in the core academic, and vocational and technical, subjects;

"(B) provide students with strong experience in and understanding of all aspects of an industry; and

"(C) ensure that students who participate in such vocational and technical education programs are taught to the same challenging aca-

demical proficiencies as are taught for all other students;

"(4) describe how parents, students, teachers, representatives of business and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of vocational and technical education programs assisted under this title, and how such individuals and entities are effectively informed about, and assisted in understanding, the requirements of this title;

"(5) provide assurances that the eligible recipient will provide a vocational and technical education program that is of such size, scope, and quality to bring about improvement in the quality of vocational and technical education programs;

"(6) describe the process that will be used to independently evaluate and continuously improve the performance of the eligible recipient;

"(7) describe how the eligible recipient—

"(A) will review vocational and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations; and

"(B) will provide programs that are designed to enable the special populations to meet the State adjusted levels of performance;

"(8) describe how individuals who are members of the special populations will not be discriminated against on the basis of their status as members of the special populations;

"(9) describe how funds will be used to promote preparation for nontraditional training and employment; and

"(10) describe how comprehensive professional development (including initial teacher preparation) for vocational and technical, academic, guidance, and administrative personnel will be provided.

"SEC. 135. LOCAL USES OF FUNDS.

"(a) **GENERAL AUTHORITY.**—Each eligible recipient that receives funds under this part shall use such funds to improve vocational and technical education programs.

"(b) **REQUIREMENTS FOR USES OF FUNDS.**—Funds made available to eligible recipients under this part shall be used to support vocational and technical education programs that—

"(1) strengthen the academic, and vocational and technical, skills of students participating in vocational and technical education programs by strengthening the academic, and vocational and technical, components of such programs through the integration of academics with vocational and technical education programs through a coherent sequence of courses to ensure learning in the core academic, and vocational and technical, subjects;

"(2) provide students with strong experience in and understanding of all aspects of an industry;

"(3) develop, improve, or expand the use of technology in vocational and technical education, which may include—

"(A) training of vocational and technical education personnel to use state-of-the-art technology, which may include distance learning;

"(B) providing vocational and technical education students with the academic, and vocational and technical, skills that lead to entry into the high technology and telecommunications field; or

"(C) encouraging schools to work with high technology industries to offer voluntary internships and mentoring programs;

"(4) provide professional development programs to teachers, counselors, and administrators, including—

"(A) inservice and preservice training in state-of-the-art vocational and technical education programs and techniques, in effective teaching skills based on research, and in effective practices to improve parental and community involvement;

"(B) support of education programs for teachers of vocational and technical education in

public schools and other public school personnel who are involved in the direct delivery of educational services to vocational and technical education students, to ensure that such teachers and personnel stay current with all aspects of an industry;

"(C) internship programs that provide business experience to teachers; and

"(D) programs designed to train teachers specifically in the use and application of technology;

"(5) develop and implement evaluations of the vocational and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met;

"(6) initiate, improve, expand, and modernize quality vocational and technical education programs;

"(7) provide services and activities that are of sufficient size, scope, and quality to be effective; and

"(8) link secondary vocational and technical education and postsecondary vocational and technical education, including implementing tech-prep programs.

"(c) **PERMISSIVE.**—Funds made available to an eligible recipient under this title may be used—

"(1) to involve parents, businesses, and labor organizations as appropriate, in the design, implementation, and evaluation of vocational and technical education programs authorized under this title, including establishing effective programs and procedures to enable informed and effective participation in such programs;

"(2) to provide career guidance and academic counseling for students participating in vocational and technical education programs;

"(3) to provide work-related experience, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to vocational and technical education programs;

"(4) to provide programs for special populations;

"(5) for local education and business partnerships;

"(6) to assist vocational and technical student organizations;

"(7) for mentoring and support services;

"(8) for leasing, purchasing, upgrading or adapting equipment, including instructional aides;

"(9) for teacher preparation programs that assist individuals who are interested in becoming vocational and technical education instructors, including individuals with experience in business and industry;

"(10) for improving or developing new vocational and technical education courses;

"(11) to provide support for family and consumer sciences programs;

"(12) to provide vocational and technical education programs for adults and school dropouts to complete their secondary school education;

"(13) to provide assistance to students who have participated in services and activities under this title in finding an appropriate job and continuing their education;

"(14) to support nontraditional training and employment activities; and

"(15) to support other vocational and technical education activities that are consistent with the purpose of this Act.

"(d) **ADMINISTRATIVE COSTS.**—Each eligible recipient receiving funds under this part shall not use more than 5 percent of the funds for administrative costs associated with the administration of activities assisted under this section.

"TITLE II—TECH-PREP EDUCATION

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Tech-Prep Education Act'.

"SEC. 202. DEFINITIONS.

"(a) In this title:

"(1) **ARTICULATION AGREEMENT.**—The term 'articulation agreement' means a written commitment to a program designed to provide stu-

dents with a non duplicative sequence of progressive achievement leading to degrees or certificates in a tech-prep education program.

“(2) COMMUNITY COLLEGE.—The term ‘community college’—

“(A) means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965, that provides not less than a 2-year program that is acceptable for full credit toward a bachelor’s degree; and

“(B) includes tribally controlled colleges or universities.

“(3) TECH-PREP PROGRAM.—The term ‘tech-prep program’ means a program of study that—

“(A) combines at a minimum 2 years of secondary education (as determined under State law) with a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study;

“(B) integrates academic, and vocational and technical, instruction, and utilizes work-based and worksite learning where appropriate and available;

“(C) provides technical preparation in a career field such as engineering technology, applied science, a mechanical, industrial, or practical art or trade, agriculture, health occupations, business, or applied economics;

“(D) builds student competence in mathematics, science, reading, writing, communications, economics, and workplace skills through applied, contextual academics, and integrated instruction, in a coherent sequence of courses;

“(E) leads to an associate or a baccalaureate degree or a postsecondary certificate in a specific career field; and

“(F) leads to placement in appropriate employment or to further education.

“SEC. 203. STATE ALLOTMENT AND APPLICATION.

“(a) IN GENERAL.—For any fiscal year, the Secretary shall allot the amount made available under section 206 among the States in the same manner as funds are allotted to States under paragraph (2) of section 111(a).

“(b) PAYMENTS TO ELIGIBLE AGENCIES.—The Secretary shall make a payment in the amount of a State’s allotment under subsection (a) to the eligible agency that serves the State and has an application approved under subsection (c).

“(c) STATE APPLICATION.—Each eligible agency desiring assistance 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 require.

“SEC. 204. TECH-PREP EDUCATION.

“(a) GRANT PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—From amounts made available to each eligible agency under section 203, the eligible agency, in accordance with the provisions of this title, shall award grants, on a competitive basis or on the basis of a formula determined by the eligible agency, for tech-prep education programs described in subsection (c). The grants shall be awarded to consortia between or among—

“(A) a local educational agency, an intermediate educational agency or area vocational and technical education school serving secondary school students, or a secondary school funded by the Bureau of Indian Affairs; and

“(B) (i) a nonprofit institution of higher education that offers—

“(I) a 2-year associate degree program, or a 2-year certificate program, and is qualified as institutions of higher education pursuant to section 102 of the Higher Education Act of 1965, including an institution receiving assistance under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) and a tribally controlled postsecondary vocational and technical institution; or

“(II) a 2-year apprenticeship program that follows secondary instruction,

if such nonprofit institution of higher education is not prohibited from receiving assistance under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) pursuant to the provisions of section 435(a)(3) of such Act (20 U.S.C. 1083(a)); or

“(ii) a proprietary institution of higher education that offers a 2-year associate degree program and is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965, if such proprietary institution of higher education is not subject to a default management plan required by the Secretary.

“(2) SPECIAL RULE.—In addition, a consortium described in paragraph (1) may include 1 or more—

“(A) institutions of higher education that award a baccalaureate degree; and

“(B) employer or labor organizations.

“(b) DURATION.—Each grant recipient shall use amounts provided under the grant to develop and operate a 4- or 6-year tech-prep education program described in subsection (c).

“(c) CONTENTS OF TECH-PREP PROGRAM.—Each tech-prep program shall—

“(1) be carried out under an articulation agreement between the participants in the consortium;

“(2) consist of at least 2 years of secondary school preceding graduation and 2 years or more of higher education, or an apprenticeship program of at least 2 years following secondary instruction, with a common core of required proficiency in mathematics, science, reading, writing, communications, and technologies designed to lead to an associate’s degree or a postsecondary certificate in a specific career field;

“(3) include the development of tech-prep programs for both secondary and postsecondary, including consortium, participants in the consortium that—

“(A) meets academic standards developed by the State;

“(B) links secondary schools and 2-year postsecondary institutions, and if possible and practicable, 4-year institutions of higher education through nonduplicative sequences of courses in career fields, including the investigation of opportunities for tech-prep secondary students to enroll concurrently in secondary and postsecondary coursework;

“(C) uses, if appropriate and available, work-based or worksite learning in conjunction with business and all aspects of an industry; and

“(D) uses educational technology and distance learning, as appropriate, to involve all the consortium partners more fully in the development and operation of programs;

“(4) include in-service training for teachers that—

“(A) is designed to train vocational and technical teachers to effectively implement tech-prep programs;

“(B) provides for joint training for teachers in the tech-prep consortium;

“(C) is designed to ensure that teachers and administrators stay current with the needs, expectations, and methods of business and all aspects of an industry;

“(D) focuses on training postsecondary education faculty in the use of contextual and applied curricula and instruction; and

“(E) provides training in the use and application of technology;

“(5) include training programs for counselors designed to enable counselors to more effectively—

“(A) provide information to students regarding tech-prep education programs;

“(B) support student progress in completing tech-prep programs;

“(C) provide information on related employment opportunities;

“(D) ensure that such students are placed in appropriate employment; and

“(E) stay current with the needs, expectations, and methods of business and all aspects of an industry;

“(6) provide equal access, to the full range of technical preparation programs, to individuals who are members of special populations, including the development of tech-prep program services appropriate to the needs of special populations; and

“(7) provide for preparatory services that assist participants in tech-prep programs.

“(d) ADDITIONAL AUTHORIZED ACTIVITIES.—Each tech-prep program may—

“(1) provide for the acquisition of tech-prep program equipment;

“(2) acquire technical assistance from State or local entities that have designed, established, and operated tech-prep programs that have effectively used educational technology and distance learning in the delivery of curricula and services and in the articulation process; and

“(3) establish articulation agreements with institutions of higher education, labor organizations, or businesses located inside or outside the State and served by the consortium, especially with regard to using distance learning and educational technology to provide for the delivery of services and programs.

“SEC. 205. CONSORTIUM APPLICATIONS.

“(a) IN GENERAL.—Each consortium that desires to receive a grant under this title shall submit an application to the eligible agency at such time and in such manner as the eligible agency shall prescribe.

“(b) PLAN.—Each application submitted under this section shall contain a 5-year plan for the development and implementation of tech-prep programs under this title, which plan shall be reviewed after the second year of the plan.

“(c) APPROVAL.—The eligible agency shall approve applications based on the potential of the activities described in the application to create an effective tech-prep program.

“(d) SPECIAL CONSIDERATION.—The eligible agency, as appropriate, shall give special consideration to applications that—

“(1) provide for effective employment placement activities or the transfer of students to baccalaureate degree programs;

“(2) are developed in consultation with business, industry, institutions of higher education, and labor organizations;

“(3) address effectively the issues of school dropout prevention and reentry and the needs of special populations;

“(4) provide education and training in areas or skills in which there are significant workforce shortages, including the information technology industry; and

“(5) demonstrate how tech-prep programs will help students meet high academic and employability competencies.

“(e) EQUITABLE DISTRIBUTION OF ASSISTANCE.—In awarding grants under this title, the eligible agency shall ensure an equitable distribution of assistance between urban and rural consortium participants.

“SEC. 206. REPORT.

“Each eligible agency that receives a grant under this title annually shall prepare and submit to the Secretary a report on the effectiveness of the tech-prep programs assisted under this title, including a description of how grants were awarded within the State.

“SEC. 207. DEMONSTRATION PROGRAM.

“(a) DEMONSTRATION PROGRAM AUTHORIZED.—From funds appropriated under subsection (e) for a fiscal year, the Secretary shall award grants to consortia described in section 204(a) to enable the consortia to carry out tech-prep education programs.

“(b) PROGRAM CONTENTS.—Each tech-prep program referred to in subsection (a)—

“(1) shall—

“(A) involve the location of a secondary school on the site of a community college;

“(B) involve a business as a member of the consortium; and

“(C) require the voluntary participation of secondary school students in the tech-prep education program; and

“(2) may provide summer internships at a business for students or teachers.

“(c) APPLICATION.—Each consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may require.

“(d) APPLICABILITY.—The provisions of sections 203, 204, 205, and 206 shall not apply to this section, except that—

“(1) the provisions of section 204(a) shall apply for purposes of describing consortia eligible to receive assistance under this section;

“(2) each tech-prep education program assisted under this section shall meet the requirements of paragraphs (1), (2), (3)(A), (3)(B), (3)(C), (3)(D), (4), (5), (6), and (7) of section 204(c), except that such paragraph (3)(B) shall be applied by striking “, and if possible and practicable, 4-year institutions of higher education through nonuplicative sequences of courses in career fields”; and

“(3) in awarding grants under this section, the Secretary shall give special consideration to consortia submitting applications under subsection (c) that meet the requirements of paragraphs (1), (3), (4), and (5) of section 205(d), except that such paragraph (1) shall be applied by striking “or the transfer of students to baccalaureate degree programs”.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 1999 and each of the 4 succeeding fiscal years.

“SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this title (other than section 207) such sums as may be necessary for fiscal year 1999 and each of the 4 succeeding fiscal years.

“TITLE III—GENERAL PROVISIONS

“PART A—FEDERAL ADMINISTRATIVE PROVISIONS

“SEC. 311. FISCAL REQUIREMENTS.

“(a) SUPPLEMENT NOT SUPPLANT.—Funds made available under this Act for vocational and technical education activities shall supplement, and shall not supplant, non-Federal funds expended to carry out vocational and technical education activities and tech-prep activities.

“(b) MAINTENANCE OF EFFORT.—

“(1) DETERMINATION.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no payments shall be made under this Act for any fiscal year to a State for vocational and technical education programs or tech-prep programs unless the Secretary determines that the fiscal effort per student or the aggregate expenditures of such State for vocational and technical education programs for the fiscal year preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for vocational and technical education programs, for the second fiscal year preceding the fiscal year for which the determination is made.

“(B) COMPUTATION.—In computing the fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary shall exclude capital expenditures, special one-time project costs, and the cost of pilot programs.

“(C) DECREASE IN FEDERAL SUPPORT.—If the amount made available for vocational and technical education programs under this Act for a fiscal year is less than the amount made available for vocational and technical education programs under this Act for the preceding fiscal year, then the fiscal effort per student or the aggregate expenditures of a State required by subparagraph (B) for such preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

“(2) WAIVER.—The Secretary may waive the requirements of this section, with respect to not more than 5 percent of expenditures by any eligible agency for 1 fiscal year only, on making a determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the eligible agency to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under such a waiver may be

used as the basis for computing the fiscal effort or aggregate expenditures required under this section for years subsequent to the year covered by such waiver. The fiscal effort or aggregate expenditures for the subsequent years shall be computed on the basis of the level of funding that would, but for such waiver, have been required.

“SEC. 312. AUTHORITY TO MAKE PAYMENTS.

“Any authority to make payments or to enter into contracts under this Act shall be available only to such extent or in such amounts as are provided in advance in appropriation Acts.

“SEC. 313. CONSTRUCTION.

“Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of a private, religious, or home school, regardless of whether a home school is treated as a private school or home school under State law. This section shall not be construed to bar students attending private, religious, or home schools from participation in programs or services under this Act.

“SEC. 314. VOLUNTARY SELECTION AND PARTICIPATION.

“No funds made available under this Act shall be used—

“(1) to require any secondary school student to choose or pursue a specific career path or major; and

“(2) to mandate that any individual participate in a vocational and technical education program, including a vocational and technical education program that requires the attainment of a federally funded skill level, standard, or certificate of mastery.

“SEC. 315. LIMITATION FOR CERTAIN STUDENTS.

“No funds received under this Act may be used to provide vocational and technical education programs to students prior to the seventh grade, except that equipment and facilities purchased with funds under this Act may be used by such students.

“SEC. 316. FEDERAL LAWS GUARANTEEING CIVIL RIGHTS.

“Nothing in this Act shall be construed to be inconsistent with applicable Federal law prohibiting discrimination on the basis of race, color, sex, national origin, age, or disability in the provision of Federal programs or services.

“SEC. 317. AUTHORIZATION OF SECRETARY.

“For the purposes of increasing and expanding the use of technology in vocational and technical education instruction, including the training of vocational and technical education personnel as provided in this Act, the Secretary is authorized to receive and use funds collected by the Federal Government from fees for the use of property, rights-of-way, and easements under the control of Federal departments and agencies for the placement of telecommunications services that are dependent, in whole or in part, upon the utilization of general spectrum rights for the transmission or reception of such services.

“SEC. 318. PARTICIPATION OF PRIVATE SCHOOL PERSONNEL.

“An eligible agency or eligible recipient that uses funds under this Act for inservice and preservice vocational and technical education professional development programs for vocational and technical education teachers, administrators, and other personnel may, upon request, permit the participation in such programs of vocational and technical education teachers, administrators, and other personnel in nonprofit private schools offering vocational and technical education programs located in the geographical area served by such agency or recipient.

“PART B—STATE ADMINISTRATIVE PROVISIONS

“SEC. 321. JOINT FUNDING.

“(a) GENERAL AUTHORITY.—Funds made available to eligible agencies under this Act may be used to provide additional funds under an applicable program if—

“(1) such program otherwise meets the requirements of this Act and the requirements of the applicable program;

“(2) such program serves the same individuals that are served under this Act;

“(3) such program provides services in a coordinated manner with services provided under this Act; and

“(4) such funds are used to supplement, and not supplant, funds provided from non-Federal sources.

“(b) APPLICABLE PROGRAM.—For the purposes of this section, the term “applicable program” means any program under any of the following provisions of law:

“(1) Chapters 4 and 5 of subtitle B of title I of Public Law 105-220.

“(2) The Wagner-Peyser Act.

“(c) USE OF FUNDS AS MATCHING FUNDS.—For the purposes of this section, the term “additional funds” does not include funds used as matching funds.

“SEC. 322. PROHIBITION ON USE OF FUNDS TO INDUCE OUT-OF-STATE RELOCATION OF BUSINESSES.

“No funds provided under this Act shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from one State to another State if such relocation will result in a reduction in the number of jobs available in the State where the business enterprise is located before such incentives or inducements are offered.

“SEC. 323. STATE ADMINISTRATIVE COSTS.

“(a) GENERAL RULE.—Except as provided in subsection (b), for each fiscal year for which an eligible agency receives assistance under this Act, the eligible agency shall provide, from non-Federal sources for the costs the eligible agency incurs for the administration of programs under this Act an amount that is not less than the amount provided by the eligible agency from non-Federal sources for such costs for the preceding fiscal year.

“(b) EXCEPTION.—If the amount made available for administration of programs under this Act for a fiscal year is less than the amount made available for administration of programs under this Act for the preceding fiscal year, the amount the eligible agency is required to provide from non-Federal sources for costs the eligible agency incurs for administration of programs under this Act shall be the same percentage as the amount made available for administration of programs under this Act.

“SEC. 324. LIMITATION ON FEDERAL REGULATIONS.

“The Secretary may issue regulations under this Act only to the extent necessary to administer and ensure compliance with the specific requirements of this Act.

“SEC. 325. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS.

“(a) ATTENDANCE COSTS NOT TREATED AS INCOME OR RESOURCES.—The portion of any student financial assistance received under this Act that is made available for attendance costs described in subsection (b) shall not be considered as income or resources in determining eligibility for assistance under any other program funded in whole or in part with Federal funds.

“(b) ATTENDANCE COSTS.—The attendance costs described in this subsection are—

“(1) tuition and fees normally assessed a student carrying an academic workload as determined by the institution, and including costs for rental or purchase of any equipment, materials, or supplies required of all students in that course of study; and

“(2) an allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.

“(c) COSTS OF VOCATIONAL AND TECHNICAL EDUCATION SERVICES.—Funds made available under this Act may be used to pay for the costs of vocational and technical education services

required in an individualized education plan developed pursuant to section 614(d) of the Individuals with Disabilities Education Act and services necessary to meet the requirements of section 504 of the Rehabilitation Act of 1973 with respect to ensuring equal access to vocational and technical education."

SEC. 2. PROMOTING SCHOLAR-ATHLETE COMPETITIONS.

Section 10104 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8004) is amended—

(1) in subsection (a), by striking "to be held in 1995" and inserting "to be held in 1999"; and

(2) in subsection (b)—

(A) in paragraph (4), by striking "in the summer of 1995" and inserting "in the summer of 1999";

(B) in paragraph (5), by striking "in 1996 and thereafter, as well as replicate such program"; and

(C) in paragraph (6), by striking "1995" and inserting "1999".

SEC. 3. REFERENCES TO CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

(a) IMMIGRATION AND NATIONALITY ACT.—Section 245A(h)(4)(C) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(C)) is amended by striking "Vocational Education Act of 1963" and inserting "Carl D. Perkins Vocational and Technical Education Act of 1998".

(b) NATIONAL DEFENSE AUTHORIZATION ACT.—Section 4461 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143 note) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(c) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in section 1114(b)(2)(C)(v) (20 U.S.C. 6314(b)(2)(C)(v)), by striking "Carl D. Perkins Vocational and Applied Technology Education Act," and inserting "Carl D. Perkins Vocational and Technical Education Act of 1998";

(2) in section 9115(b)(5) (20 U.S.C. 7815(b)(5)), by striking "Carl D. Perkins Vocational and Technical Education Act" and inserting "Carl D. Perkins Vocational and Technical Education Act of 1998";

(3) in section 14302(a)(2) (20 U.S.C. 8852(a)(2))—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively; and

(4) in the matter preceding subparagraph (A) of section 14307(a)(1) (20 U.S.C. 8857(a)(1)), by striking "Carl D. Perkins Vocational and Applied Technology Technical Education Act" and inserting "Carl D. Perkins Vocational and Technical Education Act of 1998".

(d) EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.—Section 533(c)(4)(A) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended by striking "(20 U.S.C. 2397h(3))" and inserting "as such section was in effect on the day preceding the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998".

(e) IMPROVING AMERICA'S SCHOOLS ACT OF 1994.—Section 563 of the Improving America's Schools Act of 1994 (20 U.S.C. 6301 note) is amended by striking "the date of enactment of an Act reauthorizing the Carl D. Perkins Vocational and Technical Education Act (20 U.S.C. 2301 et seq.)" and inserting "July 1, 1999".

(f) WORKFORCE INVESTMENT ACT OF 1998.—Section 101(3) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(3)) is amended by striking "section 521 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471)" and inserting "section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998".

(g) APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965.—Section 214(c) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 214(c)) is amended by striking "Carl D. Perkins Vocational Education Act" and inserting "Carl D. Perkins Vocational and Technical Education Act of 1998".

(h) VOCATIONAL EDUCATION AMENDMENTS OF 1968.—Section 104 of the Vocational Education Amendments of 1968 (82 Stat. 1091) is amended by striking "section 3 of the Carl D. Perkins Vocational Education Act" and inserting "the Carl D. Perkins Vocational and Technical Education Act of 1998".

(i) OLDER AMERICANS ACT OF 1965.—The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended—

(1) in section 502(b)(1)(N)(i) (42 U.S.C. 3056(b)(1)(N)(i)), by striking "or the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)"; and

(2) in section 505(d)(2) (42 U.S.C. 3056c(d)(2))—

(A) by striking "employment and training programs" and inserting "workforce investment activities"; and

(B) by striking "the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)" and inserting "the Carl D. Perkins Vocational and Technical Education Act of 1998".

SEC. 4. ADULT EDUCATION AND FAMILY LITERACY.

The Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.) is amended—

(1) in section 224, by adding at the end the following:

"(g) TRANSITION.—The provisions of this section shall be subject to section 506(b)."; and

(2) by amending paragraph (2) of section 506(b) to read as follows:

"(2) LIMITATION.—The authority to take actions under paragraph (1) shall apply until July 1, 2000."

SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) WORKFORCE INVESTMENT ACT OF 1998.—Section 121 of the Workforce Investment Act of 1998 (29 U.S.C. 2841) is amended—

(1) in subsection (b)(1)(B)(iv), by inserting before the semicolon the following: "(other than part C of title I of such Act and subject to subsection (f))"; and

(2) by adding at the end the following:

"(f) APPLICATION TO CERTAIN VOCATIONAL REHABILITATION PROGRAMS.—

"(1) LIMITATION.—Nothing in this section shall be construed to apply to part C of title I of the Rehabilitation Act of 1973 (29 U.S.C. 741).

"(2) CLIENT ASSISTANCE.—Nothing in this Act shall be construed to require that any entity carrying out a client assistance program authorized under section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732)—

"(A) violate the requirement of section 112(c)(1)(A) of that Act that the entity be independent of any agency which provides treatment, services, or rehabilitation to individuals under that Act; or

"(B) carry out any activity not authorized under section 112 of that Act (including appropriate Federal regulations)."

(b) WAGNER-PEYSER ACT.—

(1) IN GENERAL.—Section 15 of the Wagner-Peyser Act (as added by section 309 of the Workforce Investment Act of 1998) is amended—

(A) in subsection (a)(2)(A)(i), by striking "under" and all that follows through "for which" and inserting "under the provisions of this section for any purpose other than the statistical purposes for which"; and

(B) in subsection (e)(2)(G), by striking "complementary" and inserting "complementarity".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect July 2, 1999.

(c) REHABILITATION ACT OF 1973.—Section 725(c)(7) of the Rehabilitation Act of 1973 (as amended by section 410 of the Workforce Invest-

ment Act of 1998) is amended by striking "management," and all that follows and inserting "management;"

SEC. 6. REPEALS AND EXTENSIONS OF PREVIOUS HIGHER EDUCATION AMENDMENTS PROVISIONS.

(a) HIGHER EDUCATION AMENDMENTS OF 1986.—Title XIII of the Higher Education Amendments of 1986 (Public Law 99-498) is repealed.

(b) HIGHER EDUCATION AMENDMENTS OF 1992.—The following provisions of the Higher Education Amendments of 1992 (Public Law 102-325) are repealed:

(1) Parts E, F, and G of title XIII.

(2) Title XIV.

(3) Parts A, B, C, and D of title XV.

And the Senate agree to the same.

BILL GOODLING,
HOWARD "BUCK" MCKEON,
FRANK RIGGS,
JOHN E. PETERSON,
SAM JOHNSON,
BILL CLAY,
MATTHEW G. MARTINEZ,
DALE E. KILDEE,
Managers on the Part of the House.

JIM JEFFORDS,
DAN COATS,
JUDD GREGG,
BILL FRIST,
MIKE DEWINE,
MICHAEL B. ENZI,
TIM HUTCHINSON,
SUSAN COLLINS,
MITCH MCCONNELL,
TED KENNEDY,
CHRIS DODD,
TOM HARKIN,
BARBARA A. MIKULSKI,
PAUL WELLSTONE,
JACK REED,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection and, under the operation thereof, the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶105.56 COMMUNITY OPPORTUNITIES, ACCOUNTABILITY, AND TRAINING AND EDUCATION SERVICES

Mr. GOODLING moved to suspend the rules and agree to the following conference report (Rept. No. 105-788):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2206), to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Opportunities, Accountability, and Training and Educational Services Act of 1998" or the "Coats Human Services Reauthorization Act of 1998".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—HEAD START PROGRAMS

Sec. 101. Short title.

Sec. 102. Statement of purpose.

Sec. 103. Definitions.

Sec. 104. Financial assistance for Head Start programs.

Sec. 105. Authorization of appropriations.

Sec. 106. Allotment of funds.

Sec. 107. Designation of Head Start agencies.

Sec. 108. Quality standards.

Sec. 109. Powers and functions of Head Start agencies.

Sec. 110. Head Start transition.

Sec. 111. Submission of plans to Governors.

Sec. 112. Participation in Head Start programs.

Sec. 113. Early Head Start programs for families with infants and toddlers.

Sec. 114. Technical assistance and training.

Sec. 115. Professional requirements.

Sec. 116. Research and evaluation.

Sec. 117. Reports.

Sec. 118. Repeal of consultation requirement.

Sec. 119. Repeal of Head Start Transition Project Act.

TITLE II—COMMUNITY SERVICES BLOCK GRANT PROGRAM

Sec. 201. Reauthorization.

Sec. 202. Conforming amendments.

TITLE III—LOW-INCOME HOME ENERGY ASSISTANCE

Sec. 301. Short title.

Sec. 302. Authorization.

Sec. 303. Definitions.

Sec. 304. Natural disasters and other emergencies.

Sec. 305. State allotments.

Sec. 306. Administration.

Sec. 307. Payments to States.

Sec. 308. Residential Energy Assistance Challenge option.

Sec. 309. Technical assistance, training, and compliance reviews.

TITLE IV—ASSETS FOR INDEPENDENCE

Sec. 401. Short title.

Sec. 402. Findings.

Sec. 403. Purposes.

Sec. 404. Definitions.

Sec. 405. Applications.

Sec. 406. Demonstration authority; annual grants.

Sec. 407. Reserve Fund.

Sec. 408. Eligibility for participation.

Sec. 409. Selection of individuals to participate.

Sec. 410. Deposits by qualified entities.

Sec. 411. Local control over demonstration projects.

Sec. 412. Annual progress reports.

Sec. 413. Sanctions.

Sec. 414. Evaluations.

Sec. 415. Treatment of funds.

Sec. 416. Authorization of appropriations.

TITLE I—HEAD START PROGRAMS**SEC. 101. SHORT TITLE.**

This title may be cited as the "Head Start Amendments of 1998".

SEC. 102. STATEMENT OF PURPOSE.

Section 636 of the Head Start Act (42 U.S.C. 9831) is amended to read as follows:

"SEC. 636. STATEMENT OF PURPOSE.

"It is the purpose of this subchapter to promote school readiness by enhancing the

social and cognitive development of low-income children through the provision, to low-income children and their families, of health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary."

SEC. 103. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (16) and (17) and inserting the paragraphs at the end of the section;

(2) by inserting before paragraph (3) the following:

"(1) The term 'child with a disability' means—

"(A) a child with a disability, as defined in section 602(3) of the Individuals with Disabilities Education Act; and

"(B) an infant or toddler with a disability, as defined in section 632(5) of such Act.

"(2) The term 'delegate agency' means a public, private nonprofit, or for-profit organization or agency to which a grantee has delegated all or part of the responsibility of the grantee for operating a Head Start program."

(3) by striking paragraph (4);

(4) by redesignating paragraph (3) as paragraph (4);

(5) by inserting after paragraph (2) the following:

"(3) The term 'family literacy services' means services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

"(C) Parent literacy training that leads to economic self-sufficiency.

"(D) An age-appropriate education to prepare children for success in school and life experiences."

(6) in paragraph (6), by adding at the end the following: "Nothing in this paragraph shall be construed to require an agency to provide services to a child who has not reached the age of compulsory school attendance for more than the number of hours per day permitted by State law (including regulation) for the provision of services to such a child."

(7) by striking paragraph (12) and inserting the following:

"(12) The term 'migrant and seasonal Head Start program' means—

"(A) with respect to services for migrant farmworkers, a Head Start program that serves families who are engaged in agricultural labor and who have changed their residence from one geographic location to another in the preceding 2-year period; and

"(B) with respect to services for seasonal farmworkers, a Head Start program that serves families who are engaged primarily in seasonal agricultural labor and who have not changed their residence to another geographic location in the preceding 2-year period."

(8) by inserting after paragraph (14) the following:

"(15) The term 'scientifically based reading research'—

"(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties; and

"(B) shall include research that—

"(i) employs systematic, empirical methods that draw on observation or experiment;

"(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

"(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review."; and

(9) in paragraph (17) (as redesignated in paragraph (1))—

(A) by striking "Term" and inserting "term";

(B) by striking "Virgin Islands," and inserting "Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands, but for fiscal years ending before October 1, 2001 (and fiscal year 2002, if the legislation described in section 640(a)(2)(B)(iii) has not been enacted before September 30, 2001), also means"; and

(C) by striking "Palau, and the Commonwealth of the Northern Mariana Islands," and inserting "and the Republic of Palau".

SEC. 104. FINANCIAL ASSISTANCE FOR HEAD START PROGRAMS.

Section 638(1) of the Head Start Act (42 U.S.C. 9833(1)) is amended—

(1) by striking "aid the" and inserting "enable the"; and

(2) by striking the semicolon and inserting "and attain school readiness";.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended—

(1) in subsection (a), by striking "1995 through 1998" and inserting "1999 through 2003"; and

(2) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) for each of fiscal years 1999 through 2003 to carry out activities authorized under section 642A, not more than \$35,000,000 but not less than the amount that was made available for such activities for fiscal year 1998;

"(2) not more than \$5,000,000 for each of fiscal years 1999 through 2003 to carry out impact studies under section 649(g); and

"(3) not more than \$12,000,000 for fiscal year 1999, and such sums as may be necessary for each of fiscal years 2000 through 2003, to carry out other research, demonstration, and evaluation activities, including longitudinal studies, under section 649."

SEC. 106. ALLOTMENT OF FUNDS.

(a) ALLOTMENTS.—Section 640(a) of the Head Start Act (42 U.S.C. 9835(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "and migrant" the first place it appears and all that follows through "handicapped children", and inserting "Head Start programs, services for children with disabilities, and migrant and seasonal Head Start programs";

(ii) by striking "and migrant" each other place it appears and inserting "Head Start programs and by migrant and seasonal"; and

(iii) by striking "1994" and inserting "1998";

(B) in subparagraph (B), by striking "(B) payments" and all that follows through "Virgin Islands according" and inserting the following:

"(B) payments, subject to paragraph (7)—

"(i) to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States;

"(ii) for fiscal years ending before October 1, 2001, to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau; and

"(iii) if legislation approving renegotiated Compacts of Free Association for the juris-

dictions described in clause (ii) has not been enacted before September 30, 2001, for fiscal year 2002 to those jurisdictions;

according”;

(C) in subparagraph (C), by striking “; and” and inserting “, of which not less than \$3,000,000 of the amount appropriated for such fiscal year shall be made available to carry out activities described in section 648(c)(4).”;

(D) in subparagraph (D), by striking “related to the development and implementation of quality improvement plans under section 641A(d)(2).” and inserting “carried out under paragraph (1), (2), or (3) of section 641A(d) related to correcting deficiencies and conducting proceedings to terminate the designation of Head Start agencies; and”;

(E) by inserting after subparagraph (D) the following:

“(E) payments for research, demonstration, and evaluation activities under section 649.”; and

(F) by adding at the end the following: “No Freely Associated State may receive financial assistance under this subchapter after fiscal year 2002.”;

(2) in paragraph (3)—

(A) in subparagraph (A)(i), by striking “equal” and all that follows through “amount;” and inserting “equal to the sum of—

“(I) 60 percent of such excess amount for fiscal year 1999, 50 percent of such excess amount for fiscal year 2000, 47.5 percent of such excess amount for fiscal year 2001, 35 percent of such excess amount for fiscal year 2002, and 25 percent of such excess amount for fiscal year 2003;”;

(B) in subparagraph (B)—

(i) in clause (ii)—

(I) by striking “adequate qualified staff” and inserting “adequate numbers of qualified staff”; and

(II) by inserting “and children with disabilities” before “, when”;

(ii) in clause (iv), by inserting before the period the following: “, and to encourage the staff to continually improve their skills and expertise by informing the staff of the availability of Federal and State incentive and loan forgiveness programs for professional development”;

(iii) in clause (v), by inserting “and collaboration efforts for such programs” before the period;

(iv) in clause (vi), by striking the period and inserting “, and are accessible to children with disabilities and their parents.”;

(v) by redesignating clause (vii) as clause (viii); and

(vi) by inserting after clause (vi) the following:

“(vii) Ensuring that such programs have qualified staff that can promote language skills and literacy growth of children and that can provide children with a variety of skills that have been identified, through scientifically based reading research, as predictive of later reading achievement.”;

(C) in subparagraph (C)—

(i) in clause (i)—

(I) in subclause (I)—

(aa) by striking “this subparagraph” and inserting “this paragraph”;

(bb) by striking “of staff” and inserting “of classroom teachers and other staff”;

(cc) by striking “such staff” and inserting “qualified staff, including recruitment and retention pursuant to achieving the requirements set forth in section 648A(a)”;

(dd) by adding at the end the following: “Preferences in awarding salary increases, in excess of cost-of-living allowances, with such funds shall be granted to classroom teachers and staff who obtain additional training or education related to their responsibilities as employees of a Head Start program.”;

(II) in subclause (II), by striking “the subparagraph” and inserting “this subparagraph”; and

(III) by adding at the end the following:

“(III) From the remainder of the amount reserved under this paragraph (after the Secretary carries out subclause (I)), the Secretary shall carry out any or all of the activities described in clauses (ii) through (vii), placing the highest priority on the activities described in clause (ii).”;

(ii) by amending clause (ii) to read as follows:

“(ii) To train classroom teachers and other staff to meet the education performance standards described in section 641A(a)(1)(B), through activities—

“(I) to promote children’s language and literacy growth, through techniques identified through scientifically based reading research;

“(II) to promote the acquisition of the English language for non-English background children and families;

“(III) to foster children’s school readiness skills through activities described in section 648A(a)(1); and

“(IV) to provide training necessary to improve the qualifications of the staff of the Head Start agencies and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.”;

(iii) by striking clause (v); and

(iv) by redesignating clauses (vi) and (vii) as clauses (v) and (vi), respectively; and

(D) in subparagraph (D)(i)(II), by striking “and migrant” and inserting “Head Start programs and migrant and seasonal”;

(3) in paragraph (4)—

(A) in subparagraph (A), by striking “1981” and inserting “1998”;

(B) by amending subparagraph (B) to read as follows:

“(B) any amount available after all allotments are made under subparagraph (A) for such fiscal year shall be distributed proportionately on the basis of the number of children less than 5 years of age from families whose income is below the poverty line.”; and

(C) by adding at the end the following:

“For purposes of this paragraph, for each fiscal year the Secretary shall use the most recent data available on the number of children less than 5 years of age from families whose income is below the poverty line, as published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the most recent data available would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretaries shall issue a report setting forth their reasons in detail.”;

(4) in paragraph (5)—

(A) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (D)”;

(B) in subparagraph (B), by inserting before the period the following: “and to encourage Head Start agencies to collaborate with entities involved in State and local planning processes (including the State lead agency administering the financial assistance received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) and the entities providing resource and referral services in the State) in order to better meet the needs of low-income children and families”;

(C) in subparagraph (C)—

(i) in clause (i)(I), by inserting “the appropriate regional office of the Administration for Children and Families and” before “agencies”;

(ii) in clause (iii), by striking “and” at the end;

(iii) in clause (iv)—

(I) by striking “education, and national service activities,” and inserting “education, and community service activities,”;

(II) by striking “and activities” and inserting “activities”; and

(III) by striking the period and inserting “(including coordination of services with those State officials who are responsible for administering part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431-1445, 1419)), and services for homeless children;”;

(iv) by adding at the end the following:

“(v) include representatives of the State Head Start Association and local Head Start agencies in unified planning regarding early care and education services at both the State and local levels, including collaborative efforts to plan for the provision of full-working-day, full calendar year early care and education services for children; and

“(vi) encourage local Head Start agencies to appoint a State level representative to represent Head Start agencies within the State in conducting collaborative efforts described in subparagraphs (B) and (D), and in clause (v).”;

(D) by redesignating subparagraph (D) as subparagraph (F); and

(E) by inserting after subparagraph (C) the following:

“(D) Following the award of collaboration grants described in subparagraph (B), the Secretary shall provide, from the reserved sums, supplemental funding for collaboration grants—

“(i) to States that (in consultation with their State Head Start Associations) develop statewide, regional, or local unified plans for early childhood education and child care that include the participation of Head Start agencies; and

“(ii) to States that engage in other innovative collaborative initiatives, including plans for collaborative training and professional development initiatives for child care, early childhood education and Head Start service managers, providers, and staff.

“(E)(i) The Secretary shall—

“(I) review on an ongoing basis evidence of barriers to effective collaboration between Head Start programs and other Federal, State, and local child care and early childhood education programs and resources;

“(II) develop initiatives, including providing additional training and technical assistance and making regulatory changes, in necessary cases, to eliminate barriers to the collaboration; and

“(III) develop a mechanism to resolve administrative and programmatic conflicts between programs described in subclause (I) that would be a barrier to service providers, parents, or children related to the provision of unified services and the consolidation of funding for child care services.

“(ii) In the case of a collaborative activity funded under this subchapter and another provision of law providing for Federal child care or early childhood education, the use of equipment and nonconsumable supplies purchased with funds made available under this subchapter or such provision shall not be restricted to children enrolled or otherwise participating in the program carried out under that subchapter or provision, during a period in which the activity is predominantly funded under this subchapter or such provision.”; and

(5) in paragraph (6)—

(A) by inserting “(A)” before “From”;

(B) by striking "3 percent" and all that follows and inserting the following: "7.5 percent for fiscal year 1999, 8 percent for fiscal year 2000, 9 percent for fiscal year 2001, 10 percent for fiscal year 2002, and 10 percent for fiscal year 2003, of the amount appropriated pursuant to section 639(a), except as provided in subparagraph (B); and

(C) by adding at the end the following:

"(B)(i) If the Secretary does not submit an interim report on the preliminary findings of the Early Head Start impact study currently being conducted by the Secretary (as of the date of enactment of the Head Start Amendments of 1998) to the appropriate committees by June 1, 2001, the amount of the reserved portion for fiscal year 2002 that exceeds the reserved portion for fiscal year 2001, if any, shall be used for quality improvement activities described in section 640(a)(3) and shall not be used to serve an increased number of eligible children under section 645A.

"(ii) If the Secretary does not submit a final report on the Early Head Start impact study to the appropriate committees by June 1, 2002, or if the Secretary finds in the report that there are substantial deficiencies in the programs carried out under section 645A, the amount of the reserved portion for fiscal year 2003 that exceeds the reserved portion for fiscal year 2002, if any, shall be used for quality improvement activities described in section 640(a)(3) and shall not be used to serve an increased number of eligible children under section 645A.

"(iii) In this subparagraph:

"(I) The term 'appropriate committees' means the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives and the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate.

"(II) The term 'reserved portion', used with respect to a fiscal year, means the amount required to be used in accordance with subparagraph (A) for that fiscal year.

"(C)(i) For any fiscal year for which the Secretary determines that the amount appropriated under section 639(a) is not sufficient to permit the Secretary to reserve the portion described in subparagraph (A) without reducing the number of children served by Head Start programs or adversely affecting the quality of Head Start services, relative to the number of children served and the quality of the services during the preceding fiscal year, the Secretary may reduce the percentage of funds required to be reserved for the portion described in subparagraph (A) for the fiscal year for which the determination is made, but not below the percentage required to be so reserved for the preceding fiscal year.

"(ii) For any fiscal year for which the amount appropriated under section 639(a) is reduced to a level that requires a lower amount to be made available under this subchapter to Head Start agencies and entities described in section 645A, relative to the amount made available to the agencies and entities for the preceding fiscal year, adjusted as described in paragraph (3)(A)(ii), the Secretary shall proportionately reduce—

"(I) the amounts made available to the entities for programs carried out under section 645A; and

"(II) the amounts made available to Head Start agencies for Head Start programs."

(b) CHILDREN WITH DISABILITIES.—Section 640(d) of the Head Start Act (42 U.S.C. 9835(d)) is amended—

(1) by striking "1982" and inserting "1999";

(2) by striking "(as defined in section 602(a) of the Individuals with Disabilities Education Act)"; and

(3) by adding at the end the following: "Such policies and procedures shall require Head Start agencies to coordinate pro-

grammatic efforts with efforts to implement part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431-1445, 1419)."

(c) INCREASED APPROPRIATIONS.—Section 640(g) of the Head Start Act (42 U.S.C. 9835(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking the semicolon and inserting " , and the performance history of the applicant in providing services under other Federal programs (other than the program carried out under this subchapter);";

(B) in subparagraph (C), by striking the semicolon and inserting " , and organizations and public entities serving children with disabilities";

(C) in subparagraph (D), by striking the semicolon and inserting "and the extent to which, and manner in which, the applicant demonstrates the ability to collaborate and participate with other local community providers of child care or preschool services to provide full-working-day full calendar year services";

(D) in subparagraph (E), by striking "program; and" and inserting "program or any other early childhood program";

(E) in subparagraph (F), by striking the period and inserting a semicolon; and

(F) by adding at the end the following:

"(G) the extent to which the applicant proposes to foster partnerships with other service providers in a manner that will enhance the resource capacity of the applicant; and

"(H) the extent to which the applicant, in providing services, plans to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, regarding such services and the education services provided by such local educational agency.";

(2) by adding at the end the following:

"(4) Notwithstanding subsection (a)(2), after taking into account paragraph (1), the Secretary may allocate a portion of the remaining additional funds under subsection (a)(2)(A) for the purpose of increasing funds available for activities described in such subsection."

(d) MIGRANT AND SEASONAL HEAD START PROGRAMS.—Section 640(l) (42 U.S.C. 9835(l)) is amended—

(1) by striking "(l)" and inserting "(l)(1)";

(2) by striking "migrant Head Start programs" each place it appears and inserting "migrant and seasonal Head Start programs";

(3) by striking "migrant families" and inserting "migrant and seasonal farmworker families"; and

(4) by adding at the end the following:

"(2) For purposes of subsection (a)(2)(A), in determining the need and demand for migrant and seasonal Head Start programs (and services provided through such programs), the Secretary shall consult with appropriate entities, including providers of services for migrant and seasonal Head Start programs. The Secretary shall, after taking into consideration the need and demand for migrant and seasonal Head Start programs (and such services), ensure that there is an adequate level of such services for eligible children of migrant farmworkers before approving an increase in the allocation of funds provided under such subsection for unserved eligible children of seasonal farmworkers. In serving the eligible children of seasonal farmworkers, the Secretary shall ensure that services provided by migrant and seasonal Head Start programs do not duplicate or overlap with other Head Start services available to eligible children of such farmworkers.

"(3) In carrying out this subchapter, the Secretary shall continue the administrative arrangement responsible for meeting the needs of children of migrant and seasonal farmworkers and Indian children and shall ensure that appropriate funding is provided to meet such needs."

(e) CONFORMING AMENDMENT.—Section 644(f)(2) of the Head Start Act (42 U.S.C. 9839(f)(2)) is amended by striking "Except" and all that follows through "financial" and inserting "Financial".

SEC. 107. DESIGNATION OF HEAD START AGENCIES.

Section 641 of the Head Start Act (42 U.S.C. 9836) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "or for-profit" after "non-profit"; and

(B) by inserting "(in consultation with the chief executive officer of the State involved, if such State expends non-Federal funds to carry out Head Start programs)" after "Secretary" the last place it appears;

(2) in subsection (b), by striking "area designated by the Bureau of Indian Affairs as near-reservation" and inserting "off-reservation area designated by an appropriate tribal government in consultation with the Secretary";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting " , in consultation with the chief executive officer of the State involved if such State expends non-Federal funds to carry out Head Start programs," after "shall";

(ii) by inserting "or for-profit" after "non-profit"; and

(iii) by striking "makes a finding" and all that follows through the period at the end, and inserting the following: "determines that the agency involved fails to meet program and financial management requirements, performance standards described in section 641A(a)(1), results-based performance measures developed by the Secretary under section 641A(b), or other requirements established by the Secretary.";

(B) in paragraph (2), by inserting " , in consultation with the chief executive officer of the State if such State expends non-Federal funds to carry out Head Start programs," after "shall"; and

(C) by aligning the margins of paragraphs (2) and (3) with the margins of paragraph (1);

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting after the first sentence the following: "In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall give priority to any qualified agency that functioned as a Head Start delegate agency in the community and carried out a Head Start program that the Secretary determines met or exceeded such performance standards and such results-based performance measures.";

(B) in paragraph (3), by inserting "and programs under part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431-1445, 1419)" after "(20 U.S.C. 2741 et seq.)";

(C) in paragraph (4)—

(i) in subparagraph (A), by inserting "(at home and in the center involved where practicable)" after "activities";

(ii) in subparagraph (D)—

(I) in clause (iii), by adding "or" at the end;

(II) by striking clause (iv); and

(III) by redesignating clause (v) as clause (iv);

(iii) in subparagraph (E), by striking "and (D)" and inserting " , (D), and (E)";

(iv) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(v) by inserting after subparagraph (C) the following:

“(D) to offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;”

(D) by amending paragraph (7) to read as follows:

“(7) the plan of such applicant to meet the needs of non-English background children and their families, including needs related to the acquisition of the English language;”

(E) in paragraph (8)—

(i) by striking the period at the end and inserting “; and”; and

(ii) by redesignating such paragraph as paragraph (9);

(F) by inserting after paragraph (7) the following:

“(8) the plan of such applicant to meet the needs of children with disabilities;”;

(G) by adding at the end the following:

“(10) the plan of such applicant to collaborate with other entities carrying out early childhood education and child care programs in the community.”;

(5) by striking subsection (e) and inserting the following:

“(e) If no agency in the community receives priority designation under subsection (c), and there is no qualified applicant in the community, the Secretary shall designate a qualified agency to carry out the Head Start program in the community on an interim basis until a qualified applicant from the community is so designated.”;

(6) by adding at the end the following:

“(g) If the Secretary determines that a nonprofit agency and a for-profit agency have submitted applications for designation of equivalent quality under subsection (d), the Secretary may give priority to the nonprofit agency. In selecting from among qualified applicants for designation as a Head Start agency under subsection (d), the Secretary shall give priority to applicants that have demonstrated capacity in providing comprehensive early childhood services to children and their families.”.

SEC. 108. QUALITY STANDARDS.

(a) QUALITY STANDARDS.—Section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “, including minimum levels of overall accomplishment,” after “regulation standards”;

(B) in subparagraph (A), by striking “education.”;

(C) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(D) by inserting after subparagraph (A) the following:

“(B)(i) education performance standards to ensure the school readiness of children participating in a Head Start program, on completion of the Head Start program and prior to entering school; and

“(ii) additional education performance standards to ensure that the children participating in the program, at a minimum—

“(I) develop phonemic, print, and numeracy awareness;

“(II) understand and use language to communicate for various purposes;

“(III) understand and use increasingly complex and varied vocabulary;

“(IV) develop and demonstrate an appreciation of books; and

“(V) in the case of non-English background children, progress toward acquisition of the English language.”;

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(4) in paragraph (2) (as redesignated in paragraph (3))—

(A) in subparagraph (B)(iii), by striking “child” and inserting “early childhood education and”; and

(B) in subparagraph (C)—

(i) in clause (i)—

(I) by striking “not later than 1 year after the date of enactment of this section,”; and

(II) by striking “section 651(b)” and all that follows and inserting “this subsection; and”; and

(ii) in subclause (ii), by striking “November 2, 1978” and inserting “the date of enactment of the Coats Human Services Reauthorization Act of 1998”; and

(5) in paragraph (3) (as redesignated in paragraph (3)), by striking “to an agency (referred to in this subchapter as the ‘delegate agency’)” and inserting “to a delegate agency”.

(b) PERFORMANCE MEASURES.—Section 641A(b) of the Head Start Act (42 U.S.C. 9836a(b)) is amended—

(1) in the heading, by inserting “RESULTS-BASED” before “PERFORMANCE”;

(2) in paragraph (1)—

(A) by striking “Not later than 1 year after the date of enactment of this section, the” and inserting “The”;

(B) by striking “child” and inserting “early childhood education and”; and

(C) by inserting before “(referred) the following:”, and the impact of the services provided through the programs to children and their families”; and

(D) by striking “performance measures” and inserting “results-based performance measures”; and

(3) in paragraph (2)—

(A) in the paragraph heading, by striking “DESIGN” and inserting “CHARACTERISTICS”;

(B) in the matter preceding subparagraph (A), by striking “shall be designed—” and inserting “shall—”;

(C) in subparagraph (A), by striking “to assess” and inserting “be used to assess the impact of”;

(D) in subparagraph (B)—

(i) by striking “to”;

(ii) by striking “and peer review” and inserting “, peer review, and program evaluation”; and

(iii) by inserting “, not later than July 1, 1999” before the semicolon;

(E) in subparagraph (C), by inserting “be developed” before “for other”; and

(F) by adding at the end the following: “The performance measures shall include the performance standards described in subsection (a)(1)(B)(ii).”;

(4) in paragraph (3)(A), by striking “and by region” and inserting “, regionally, and locally”; and

(5) by adding at the end the following:

“(4) EDUCATIONAL PERFORMANCE MEASURES.—Such results-based performance measures shall include educational performance measures that ensure that children participating in Head Start programs—

“(A) know that letters of the alphabet are a special category of visual graphics that can be individually named;

“(B) recognize a word as a unit of print;

“(C) identify at least 10 letters of the alphabet; and

“(D) associate sounds with written words.

“(5) ADDITIONAL LOCAL RESULTS-BASED PERFORMANCE MEASURES.—In addition to other applicable results-based performance measures, Head Start agencies may establish local results-based educational performance measures.”.

(c) MONITORING.—Section 641A(c) of the Head Start Act (42 U.S.C. 9836a(c)) is amended—

(1) in paragraph (1), by inserting “and results-based performance measures developed by the Secretary under subsection (b)” after

“standards established under this subchapter”; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C)—

(i) by inserting “(including children with disabilities)” after “eligible children”; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(D) include as part of the reviews of the programs, a review and assessment of program effectiveness, as measured in accordance with the results-based performance measures developed by the Secretary pursuant to subsection (b) and with the performance standards established pursuant to subparagraphs (A) and (B) of subsection (a)(1); and

“(E) seek information from the communities and the States involved about the performance of the programs and the efforts of the Head Start agencies to collaborate with other entities carrying out early childhood education and child care programs in the community.”.

(d) TERMINATION.—Section 641A(d) of the Head Start Act (42 U.S.C. 9836a(d)) is amended—

(1) in paragraph (1)—

(A) by inserting “or results-based performance measures developed by the Secretary under subsection (b)” after “subsection (a)”; and

(B) by amending subparagraph (B) to read as follows:

“(B) with respect to each identified deficiency, require the agency—

“(i) to correct the deficiency immediately, if the Secretary finds that the deficiency threatens the health or safety of staff or program participants or poses a threat to the integrity of Federal funds;

“(ii) to correct the deficiency not later than 90 days after the identification of the deficiency if the Secretary finds, in the discretion of the Secretary, that such a 90-day period is reasonable, in light of the nature and magnitude of the deficiency; or

“(iii) in the discretion of the Secretary (taking into consideration the seriousness of the deficiency and the time reasonably required to correct the deficiency), to comply with the requirements of paragraph (2) concerning a quality improvement plan; and”;

(2) in paragraph (2)(A), in the matter preceding clause (i), by striking “able to correct a deficiency immediately” and inserting “required to correct a deficiency immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)”.

(e) REPORT.—Section 641A(e) of the Head Start Act (42 U.S.C. 9836a(e)) is amended by adding at the end the following: “Such report shall be widely disseminated and available for public review in both written and electronic formats.”.

SEC. 109. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

Section 642 of the Head Start Act (42 U.S.C. 9837) is amended—

(1) in subsection (a), by inserting “or for-profit” after “nonprofit”;

(2) in subsection (b)—

(A) in paragraph (6)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraphs (E) and (F) and subparagraphs (D) and (E), respectively;

(B) in paragraph (8), by striking “and” at the end;

(C) in paragraph (9), by striking the period at the end and inserting “; and”;

(D) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(E) by inserting after paragraph (5) the following:

“(6) offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;”

(F) in paragraph (8) (as redesignated in subparagraph (D)), by striking “paragraphs (4) through (6)” and inserting “paragraphs (4) through (7)”; and

(G) by adding at the end the following:

“(11)(A) inform custodial parents in single-parent families that participate in programs, activities, or services carried out or provided under this subchapter about the availability of child support services for purposes of establishing paternity and acquiring child support; and

“(B) refer eligible parents to the child support offices of State and local governments.”;

(3) in subsection (c)—

(A) by inserting “and collaborate” after “coordinate”;

(B) by striking “section 402(g) of the Social Security Act, and other” and inserting “the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and other early childhood education and development”; and

(C) by inserting “and programs under part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431-1445, 1419)” after “(20 U.S.C. 2741 et seq.)”;

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “carry out” and all that follows through “maintain” and inserting “take steps to ensure, to the maximum extent possible, that children maintain”;

(ii) by inserting “and educational” after “developmental”; and

(iii) by striking “to build” and inserting “build”;

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(D) in subparagraph (A) of paragraph (4) (as redesignated in subparagraph (C)), by striking “the Head Start Transition Project Act (42 U.S.C. 9855 et seq.)” and inserting “section 642A”; and

(5) by adding at the end the following:

“(e) Head Start agencies shall adopt, in consultation with experts in child development and with classroom teachers, an assessment to be used when hiring or evaluating any classroom teacher in a center-based Head Start program. Such assessment shall measure whether such teacher has mastered the functions described in section 648A(a)(1).”

SEC. 110. HEAD START TRANSITION.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 642 the following:

“SEC. 642A. HEAD START TRANSITION.

“Each Head Start agency shall take steps to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including—

“(1) developing and implementing a systematic procedure for transferring, with parental consent, Head Start program records for each participating child to the school in which such child will enroll;

“(2) establishing channels of communication between Head Start staff and their counterparts in the schools (including teachers, social workers, and health staff) to facilitate coordination of programs;

“(3) conducting meetings involving parents, kindergarten or elementary school

teachers, and Head Start program teachers to discuss the educational, developmental, and other needs of individual children;

“(4) organizing and participating in joint transition-related training of school staff and Head Start staff;

“(5) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

“(6) assisting families, administrators, and teachers in enhancing educational and developmental continuity between Head Start services and elementary school classes; and

“(7) linking the services provided in such Head Start program with the education services provided by such local educational agency.”.

SEC. 111. SUBMISSION OF PLANS TO GOVERNORS.

The first sentence of section 643 of the Head Start Act (42 U.S.C. 9838) is amended—

(1) by striking “30 days” and inserting “45 days”;

(2) by striking “so disapproved” and inserting “disapproved (for reasons other than failure of the program to comply with State health, safety, and child care laws, including regulations applicable to comparable child care programs in the State)”; and

(3) by inserting before the period “, as evidenced by a written statement of the Secretary’s findings that is transmitted to such officer”.

SEC. 112. PARTICIPATION IN HEAD START PROGRAMS.

(a) REGULATIONS.—Section 645(a)(1) of the Head Start Act (42 U.S.C. 9840(a)(1)) is amended—

(1) by striking “provide (A) that” and inserting the following: “provide—

“(A) that”;

(2) by striking “assistance; and (B) pursuant” and inserting the following: “assistance; and

“(B) pursuant”;

(3) in subparagraph (B), by striking “that programs” and inserting “that—

“(i) programs”; and

(4) by striking “clause (A).” and inserting the following: “subparagraph (A); and

“(ii) a child who has been determined to meet the low-income criteria and who is participating in a Head Start program in a program year shall be considered to continue to meet the low-income criteria through the end of the succeeding program year.

In determining, for purposes of this paragraph, whether a child who has applied for enrollment in a Head Start program meets the low-income criteria, an entity may consider evidence of family income during the 12 months preceding the month in which the application is submitted, or during the calendar year preceding the calendar year in which the application is submitted, whichever more accurately reflects the needs of the family at the time of application.”.

(b) SLIDING FEE SCALE.—Section 645(b) of the Head Start Act (42 U.S.C. 9840(b)) is amended by adding at the end the following:

“A Head Start agency that provides a Head Start program with full-working-day services in collaboration with other agencies or entities may collect a family copayment to support extended day services if a copayment is required in conjunction with the collaborative. The copayment charged to families receiving services through the Head Start program shall not exceed the copayment charged to families with similar incomes and circumstances who are receiving the services through participation in a program carried out by another agency or entity.”.

(c) CONTINUOUS RECRUITMENT AND ACCEPTANCE OF APPLICATIONS.—Section 645(c) of the Head Start Act (42 U.S.C. 9840(c)) is amended

by adding at the end the following: “Each Head Start program operated in a community shall be permitted to recruit and accept applications for enrollment of children throughout the year.”.

(d) OFF-RESERVATION AREA.—Section 645(d)(1)(B) of the Head Start Act (42 U.S.C. 9840(d)(1)(B)) is amended by striking “a community with” and all that follows through “Indian Affairs” and inserting “a community that is an off-reservation area, designated by an appropriate tribal government, in consultation with the Secretary”.

SEC. 113. EARLY HEAD START PROGRAMS FOR FAMILIES WITH INFANTS AND TODDLERS.

Section 645A of the Head Start Act (42 U.S.C. 9840a) is amended—

(1) in the section heading, by inserting “EARLY HEAD START” before “PROGRAMS FOR”;

(2) in subsection (a)—

(A) in paragraph (1), by striking “; and” and inserting a period;

(B) by striking paragraph (2); and

(C) by striking “for—” and all that follows through “(1)” and inserting “for”;

(3) in subsection (b)—

(A) in paragraph (5), by inserting “(including programs for infants and toddlers with disabilities)” after “community”;

(B) in paragraph (7), by striking “and” at the end;

(C) by redesignating paragraph (8) as paragraph (9); and

(D) by inserting after paragraph (7) the following:

“(8) ensure formal linkages with the agencies and entities described in section 644(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1444(b)) and providers of early intervention services for infants and toddlers with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and”;

(4) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “subsection (a)(1)” and inserting “subsection (a)”; and

(B) in paragraph (2), by striking “3 (or under)” and all that follows and inserting “3;”;

(5) in subsection (d)—

(A) in paragraph (1), by adding “and” at the end;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as redesignated in subparagraph (C), by inserting “or for-profit” after “nonprofit”;

(6) by striking subsection (e);

(7) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively;

(8) in subsection (e) (as redesignated in paragraph (7))—

(A) in the subsection heading, by striking “OTHER”; and

(B) by striking “From the balance remaining of the portion specified in section 640(a)(6), after making grants to the eligible entities specified in subsection (e),” and inserting “From the portion specified in section 640(a)(6).”;

(9) by striking subsection (h); and

(10) by adding at the end the following:

“(g) MONITORING, TRAINING, TECHNICAL ASSISTANCE, AND EVALUATION.—

“(1) REQUIREMENT.—In order to ensure the successful operation of programs assisted under this section, the Secretary shall use funds from the portion specified in section 640(a)(6) to monitor the operation of such programs, evaluate their effectiveness, and provide training and technical assistance tailored to the particular needs of such programs.

“(2) TRAINING AND TECHNICAL ASSISTANCE ACCOUNT.—

“(A) IN GENERAL.—Of the amount made available to carry out this section for any fiscal year, not less than 5 percent and not more than 10 percent shall be reserved to fund a training and technical assistance account.

“(B) ACTIVITIES.—Funds in the account may be used by the Secretary for purposes including—

“(i) making grants to, and entering into contracts with, organizations with specialized expertise relating to infants, toddlers, and families and the capacity needed to provide direction and support to a national training and technical assistance system, in order to provide such direction and support;

“(ii) providing ongoing training and technical assistance for regional and program staff charged with monitoring and overseeing the administration of the program carried out under this section;

“(iii) providing ongoing training and technical assistance for existing recipients (as of the date of such training or assistance) of grants under subsection (a) and support and program planning and implementation assistance for new recipients of such grants; and

“(iv) providing professional development and personnel enhancement activities, including the provision of funds to recipients of grants under subsection (a) for the recruitment and retention of qualified staff with an appropriate level of education and experience.”.

SEC. 114. TECHNICAL ASSISTANCE AND TRAINING.

(a) IN GENERAL.—Section 648 of the Head Start Act (42 U.S.C. 9843) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(3) ensure the provision of technical assistance to assist Head Start agencies, entities carrying out other child care and early childhood programs, communities, and States in collaborative efforts to provide quality full-working-day, full calendar year services, including technical assistance related to identifying and assisting in resolving barriers to collaboration.”; and

(2) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

“(1) give priority consideration to—

“(A) activities to correct program and management deficiencies identified through reviews carried out pursuant to section 641A(c) (including the provision of assistance to local programs in the development of quality improvement plans under section 641A(d)(2)); and

“(B) assisting Head Start agencies in—

“(i) ensuring the school readiness of children; and

“(ii) meeting the educational performance measures described in section 641A(b)(4);”;

(B) in paragraph (2), by inserting “supplement amounts provided under section 640(a)(3)(C)(ii) in order to” after “(2)”;

(C) in paragraph (4)—

(i) by inserting “and implementing” after “developing”; and

(ii) by striking “a longer day” and inserting the following: “the day, and assist the agencies and programs in expediting the sharing of information about innovative models for providing full-working-day, full calendar year services for children”;

(D) in paragraph (7), by striking “; and” and inserting a semicolon;

(E) in paragraph (8), by striking the period and inserting “; and”;

(F) by redesignating paragraphs (3) through (8) as paragraphs (5) through (10), respectively;

(G) by inserting after paragraph (2) the following:

“(3) assist Head Start agencies in the development of collaborative initiatives with States and other entities within the States, to foster effective early childhood professional development systems;

“(4) provide technical assistance and training, either directly or through a grant, contract, or cooperative agreement with an entity that has experience in the development and operation of successful family literacy services programs, for the purpose of—

“(A) assisting Head Start agencies providing family literacy services, in order to improve the quality of such family literacy services; and

“(B) enabling those Head Start agencies that demonstrate effective provision of family literacy services, based on improved outcomes for children and their parents, to provide technical assistance and training to other Head Start agencies and to service providers that work in collaboration with such agencies to provide family literacy services.”; and

(H) by adding at the end the following:

“(11) provide support for Head Start agencies (including policy councils and policy committees, as defined in regulation) that meet the standards described in section 641A(a) but that have, as documented by the Secretary through reviews conducted pursuant to section 641A(c), significant programmatic, quality, and fiscal issues to address.”.

(b) SERVICES.—Section 648(e) of the Head Start Act (42 U.S.C. 9843(e)) is amended by inserting “(including services to promote the acquisition of the English language)” after “non-English language background children”.

SEC. 115. PROFESSIONAL REQUIREMENTS.

Section 648A of the Head Start Act (42 U.S.C. 9843a) is amended—

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

“(a) CLASSROOM TEACHERS.—

“(1) PROFESSIONAL REQUIREMENTS.—The Secretary shall ensure that each Head Start classroom in a center-based program is assigned one teacher who has demonstrated competency to perform functions that include—

“(A) planning and implementing learning experiences that advance the intellectual and physical development of children, including improving the readiness of children for school by developing their literacy and phonemic, print, and numeracy awareness, their understanding and use of language, their understanding and use of increasingly complex and varied vocabulary, their appreciation of books, and their problem solving abilities;

“(B) establishing and maintaining a safe, healthy learning environment;

“(C) supporting the social and emotional development of children; and

“(D) encouraging the involvement of the families of the children in a Head Start program and supporting the development of relationships between children and their families.

“(2) DEGREE REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary shall ensure that not later than September 30, 2003, at least 50 percent of all Head Start teachers nationwide in center-based programs have—

“(i) an associate, baccalaureate, or advanced degree in early childhood education; or

“(ii) an associate, baccalaureate, or advanced degree in a field related to early childhood education, with experience in teaching preschool children.

“(B) PROGRESS.—The Secretary shall require Head Start agencies to demonstrate

continuing progress each year to reach the result described in subparagraph (A).

“(3) ALTERNATIVE CREDENTIALING REQUIREMENTS.—The Secretary shall ensure that, for center-based programs, each Head Start classroom that does not have a teacher that meets the requirements of clause (i) or (ii) of paragraph (2)(A) is assigned one teacher who has—

“(A) a child development associate credential that is appropriate to the age of the children being served in center-based programs;

“(B) a State-awarded certificate for preschool teachers that meets or exceeds the requirements for a child development associate credential; or

“(C) a degree in a field related to early childhood education with experience in teaching preschool children and a State-awarded certificate to teach in a preschool program.

“(4) WAIVER.—

“(A) IN GENERAL.—On request, the Secretary shall grant a 180-day waiver of the requirements of paragraph (3), for a Head Start agency that can demonstrate that the agency has unsuccessfully attempted to recruit an individual who has a credential, certificate, or degree described in paragraph (3), with respect to an individual who—

“(i) is enrolled in a program that grants any such credential, certificate, or degree; and

“(ii) will receive such credential, certificate, or degree under the terms of such program not later than 180 days after beginning employment as a teacher with such agency.

“(B) LIMITATION.—The Secretary may not grant more than one such waiver with respect to such individual.”; and

(2) in subsection (b)(2)(B)—

(A) by striking “staff,” and inserting “staff or”; and

(B) by striking “, or that” and all that follows through “families”.

SEC. 116. RESEARCH AND EVALUATION.

Section 649 of the Head Start Act (42 U.S.C. 9844) is amended—

(1) in subsection (d)—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon;

(C) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively;

(D) by inserting after paragraph (1) the following:

“(2) establish evaluation methods that measure the effectiveness and impact of family literacy services program models, including models for the integration of family literacy services with Head Start services.”; and

(E) by adding at the end the following:

“(9) study the experiences of small, medium, and large States with Head Start programs in order to permit comparisons of children participating in the programs with eligible children who did not participate in the programs, which study—

“(A) may include the use of a data set that existed prior to the initiation of the study; and

“(B) shall compare the educational achievement, social adaptation, and health status of the participating children and the eligible nonparticipating children; and

“(10) provide for—

“(A) using the Survey of Income and Program Participation to conduct an analysis of the different income levels of Head Start participants compared to comparable persons who did not attend Head Start programs;

“(B) using the National Longitudinal Survey of Youth, which began gathering data in 1988 on children who attended Head Start

programs, to examine the wide range of outcomes measured within the Survey, including outcomes related to cognitive, socio-emotional, behavioral, and academic development;

“(C) using the Survey of Program Dynamics, the new longitudinal survey required by section 414 of the Social Security Act (42 U.S.C. 614), to begin annual reporting, through the duration of the Survey, on Head Start program attendees’ academic readiness performance and improvements;

“(D) ensuring that the Survey of Program Dynamics is linked with the National Longitudinal Survey of Youth at least once by the use of a common performance test, to be determined by the expert panel, for the greater national usefulness of the National Longitudinal Survey of Youth database; and

“(E) disseminating the results of the analysis, examination, reporting, and linkage described in subparagraphs (A) through (D) to persons conducting other studies under this subchapter.

The Secretary shall ensure that an appropriate entity carries out a study described in paragraph (9), and prepares and submits to the appropriate committees of Congress a report containing the results of the study, not later than September 30, 2002.”; and

(2) by adding at the end the following:

“(g) NATIONAL HEAD START IMPACT RESEARCH.—

“(1) EXPERT PANEL.—

“(A) IN GENERAL.—The Secretary shall appoint an independent panel consisting of experts in program evaluation and research, education, and early childhood programs—

“(i) to review, and make recommendations on, the design and plan for the research (whether conducted as a single assessment or as a series of assessments) described in paragraph (2), within 1 year after the date of enactment of the Coats Human Services Reauthorization Act of 1998;

“(ii) to maintain and advise the Secretary regarding the progress of the research; and

“(iii) to comment, if the panel so desires, on the interim and final research reports submitted under paragraph (7).

“(B) TRAVEL EXPENSES.—The members of the panel shall not receive compensation for the performance of services for the panel, but 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 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the panel.

“(2) GENERAL AUTHORITY.—After reviewing the recommendations of the expert panel, the Secretary shall make a grant to, or enter into a contract or cooperative agreement with, an organization to conduct independent research that provides a national analysis of the impact of Head Start programs. The Secretary shall ensure that the organization shall have expertise in program evaluation, and research, education, and early childhood programs.

“(3) DESIGNS AND TECHNIQUES.—The Secretary shall ensure that the research uses rigorous methodological designs and techniques (based on the recommendations of the expert panel), including longitudinal designs, control groups, nationally recognized standardized measures, and random selection and assignment, as appropriate. The Secretary may provide that the research shall be conducted as a single comprehensive assessment or as a group of coordinated assessments designed to provide, when taken together, a national analysis of the impact of Head Start programs.

“(4) PROGRAMS.—The Secretary shall ensure that the research focuses primarily on Head Start programs that operate in the 50 States, the Commonwealth of Puerto Rico, or the District of Columbia and that do not specifically target special populations.

“(5) ANALYSIS.—The Secretary shall ensure that the organization conducting the research—

“(A)(i) determines if, overall, the Head Start programs have impacts consistent with their primary goal of increasing the social competence of children, by increasing the everyday effectiveness of the children in dealing with their present environments and future responsibilities, and increasing their school readiness;

“(ii) considers whether the Head Start programs—

“(I) enhance the growth and development of children in cognitive, emotional, and physical health areas;

“(II) strengthen families as the primary nurturers of their children; and

“(III) ensure that children attain school readiness; and

“(iii) examines—

“(I) the impact of the Head Start programs on increasing access of children to such services as educational, health, and nutritional services, and linking children and families to needed community services; and

“(II) how receipt of services described in subclause (I) enriches the lives of children and families participating in Head Start programs;

“(B) examines the impact of Head Start programs on participants on the date the participants leave Head Start programs, at the end of kindergarten and at the end of first grade (whether in public or private school), by examining a variety of factors, including educational achievement, referrals for special education or remedial course work, and absenteeism;

“(C) makes use of random selection from the population of all Head Start programs described in paragraph (4) in selecting programs for inclusion in the research; and

“(D) includes comparisons of individuals who participate in Head Start programs with control groups (including comparison groups) composed of—

“(i) individuals who participate in other early childhood programs (such as public or private preschool programs and day care); and

“(ii) individuals who do not participate in any other early childhood program.

“(6) CONSIDERATION OF SOURCES OF VARIATION.—In designing the research, the Secretary shall, to the extent practicable, consider addressing possible sources of variation in impact of Head Start programs, including variations in impact related to such factors as—

“(A) Head Start program operations;

“(B) Head Start program quality;

“(C) the length of time a child attends a Head Start program;

“(D) the age of the child on entering the Head Start program;

“(E) the type of organization (such as a local educational agency or a community action agency) providing services for the Head Start program;

“(F) the number of hours and days of program operation of the Head Start program (such as whether the program is a full-work-day, full calendar year program, a part-day program, or a part-year program); and

“(G) other characteristics and features of the Head Start program (such as geographic location, location in an urban or a rural service area, or participant characteristics), as appropriate.

“(7) REPORTS.—

“(A) SUBMISSION OF INTERIM REPORTS.—The organization shall prepare and submit to the

Secretary two interim reports on the research. The first interim report shall describe the design of the research, and the rationale for the design, including a description of how potential sources of variation in impact of Head Start programs have been considered in designing the research. The second interim report shall describe the status of the research and preliminary findings of the research, as appropriate.

“(B) SUBMISSION OF FINAL REPORT.—The organization shall prepare and submit to the Secretary a final report containing the findings of the research.

“(C) TRANSMITTAL OF REPORTS TO CONGRESS.—

“(i) IN GENERAL.—The Secretary shall transmit, to the committees described in clause (ii), the first interim report by September 30, 1999, the second interim report by September 30, 2001, and the final report by September 30, 2003.

“(ii) COMMITTEES.—The committees referred to in clause (i) are the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

“(8) DEFINITION.—In this subsection, the term ‘impact’, used with respect to a Head Start program, means a difference in an outcome for a participant in the program that would not have occurred without the participation in the program.

“(h) QUALITY IMPROVEMENT STUDY.—

“(1) STUDY.—The Secretary shall conduct a study regarding the use and effects of use of the quality improvement funds made available under section 640(a)(3) since fiscal year 1991.

“(2) REPORT.—The Secretary shall prepare and submit to Congress not later than September 2000 a report containing the results of the study, including information on—

“(A) the types of activities funded with the quality improvement funds;

“(B) the extent to which the use of the quality improvement funds has accomplished the goals of section 640(a)(3)(B);

“(C) the effect of use of the quality improvement funds on teacher training, salaries, benefits, recruitment, and retention; and

“(D) the effect of use of the quality improvement funds on the development of children receiving services under this subchapter.”.

SEC. 117. REPORTS.

Section 650 of the Head Start Act (42 U.S.C. 9846) is amended—

(1) by inserting “(a) STATUS OF CHILDREN.—” before “At”;

(2) by striking “and Labor” each place it appears and inserting “and the Workforce”; and

(3) by adding at the end the following:

“(b) FACILITIES.—At least once during every 5-year period, the Secretary shall prepare and submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report concerning the condition, location, and ownership of facilities used, or available to be used, by Indian Head Start agencies (including Native Alaskan Head Start agencies) and Native Hawaiian Head Start agencies.”.

SEC. 118. REPEAL OF CONSULTATION REQUIREMENT.

Section 657A of the Head Start Act (42 U.S.C. 9852a) is repealed.

SEC. 119. REPEAL OF HEAD START TRANSITION PROJECT ACT.

The Head Start Transition Project Act (42 U.S.C. 9855-9855g) is repealed.

TITLE II—COMMUNITY SERVICES BLOCK GRANT PROGRAM

SEC. 201. REAUTHORIZATION.

The Community Services Block Grant Act (42 U.S.C. 9901 et seq.) is amended to read as follows:

“SEC. 671. SHORT TITLE.

“This subtitle may be cited as the ‘Community Services Block Grant Act’.

“SEC. 672. PURPOSES AND GOALS.

“The purposes of this subtitle are—

“(1) to provide assistance to States and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient (particularly families who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)); and

“(2) to accomplish the goals described in paragraph (1) through—

“(A) the strengthening of community capabilities for planning and coordinating the use of a broad range of Federal, State, local, and other assistance (including private resources) related to the elimination of poverty, so that this assistance can be used in a manner responsive to local needs and conditions;

“(B) the organization of a range of services related to the needs of low-income families and individuals, so that these services may have a measurable and potentially major impact on the causes of poverty in the community and may help the families and individuals to achieve self-sufficiency;

“(C) the greater use of innovative and effective community-based approaches to attacking the causes and effects of poverty and of community breakdown;

“(D) the maximum participation of residents of the low-income communities and members of the groups served by programs assisted through the block grants made under this subtitle to empower such residents and members to respond to the unique problems and needs within their communities; and

“(E) the broadening of the resource base of programs directed to the elimination of poverty so as to secure a more active role in the provision of services for—

“(i) private, religious, charitable, and neighborhood-based organizations; and

“(ii) individual citizens, and business, labor, and professional groups, who are able to influence the quantity and quality of opportunities and services for the poor.

“SEC. 673. DEFINITIONS.

“In this subtitle:

“(1) ELIGIBLE ENTITY; FAMILY LITERACY SERVICES.—

“(A) ELIGIBLE ENTITY.—The term ‘eligible entity’ means an entity—

“(i) that is an eligible entity described in section 673(1) (as in effect on the day before the date of enactment of the Coats Human Services Reauthorization Act of 1998) as of the day before such date of enactment or is designated by the process described in section 676A (including an organization serving migrant or seasonal farmworkers that is so described or designated); and

“(ii) that has a tripartite board or other mechanism described in subsection (a) or (b), as appropriate, of section 676B.

“(B) FAMILY LITERACY SERVICES.—The term ‘family literacy services’ has the meaning given the term in section 637 of the Head Start Act (42 U.S.C. 9832).

“(2) POVERTY LINE.—The term ‘poverty line’ means the official poverty line defined

by the Office of Management and Budget based on the most recent data available from the Bureau of the Census. The Secretary shall revise annually (or at any shorter interval the Secretary determines to be feasible and desirable) the poverty line, which shall be used as a criterion of eligibility in the community services block grant program established under this subtitle. The required revision shall be accomplished by multiplying the official poverty line by the percentage change in the Consumer Price Index for All Urban Consumers during the annual or other interval immediately preceding the time at which the revision is made. Whenever a State determines that it serves the objectives of the block grant program established under this subtitle, the State may revise the poverty line to not to exceed 125 percent of the official poverty line otherwise applicable under this paragraph.

“(3) PRIVATE, NONPROFIT ORGANIZATION.—The term ‘private, nonprofit organization’ includes a religious organization, to which the provisions of section 679 shall apply.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.

“(5) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“SEC. 674. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 1999 through 2003 to carry out the provisions of this subtitle (other than sections 681 and 682).

“(b) RESERVATIONS.—Of the amounts appropriated under subsection (a) for each fiscal year, the Secretary shall reserve—

“(1) ½ of 1 percent for carrying out section 675A (relating to payments for territories);

“(2) 1 ½ percent for activities authorized in sections 678A through 678F, of which—

“(A) not less than ½ of the amount reserved by the Secretary under this paragraph shall be distributed directly to eligible entities, organizations, or associations described in section 678A(c)(2) for the purpose of carrying out activities described in section 678A(c); and

“(B) ½ of the remainder of the amount reserved by the Secretary under this paragraph shall be used by the Secretary to carry out evaluation and to assist States in carrying out corrective action activities and monitoring (to correct programmatic deficiencies of eligible entities), as described in sections 678B(c) and 678A; and

“(3) 9 percent for carrying out section 680 (relating to discretionary activities) and section 678E(b)(2).

“SEC. 675. ESTABLISHMENT OF BLOCK GRANT PROGRAM.

“The Secretary is authorized to establish a community services block grant program and make grants through the program to States to ameliorate the causes of poverty in communities within the States.

“SEC. 675A. DISTRIBUTION TO TERRITORIES.

“(a) APPORTIONMENT.—The Secretary shall apportion the amount reserved under section 674(b)(1) for each fiscal year on the basis of need among Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

“(b) APPLICATION.—Each jurisdiction to which subsection (a) applies may receive a grant under this section for the amount apportioned under subsection (a) on submitting to the Secretary, and obtaining approval of, an application, containing provisions that describe the programs for which assistance is sought under this section, that is prepared in accordance with, and contains the information described in, section 676.

“SEC. 675B. ALLOTMENTS AND PAYMENTS TO STATES.

“(a) ALLOTMENTS IN GENERAL.—The Secretary shall, from the amount appropriated under section 674(a) for each fiscal year that remains after the Secretary makes the reservations required in section 674(b), allot to each State (subject to section 677) an amount that bears the same ratio to such remaining amount as the amount received by the State for fiscal year 1981 under section 221 of the Economic Opportunity Act of 1964 bore to the total amount received by all States for fiscal year 1981 under such section, except—

“(1) that no State shall receive less than ¼ of 1 percent of the amount appropriated under section 674(a) for such fiscal year; and

“(2) as provided in subsection (b).

“(b) ALLOTMENTS IN YEARS WITH GREATER AVAILABLE FUNDS.—

“(1) MINIMUM ALLOTMENTS.—Subject to paragraphs (2) and (3), if the amount appropriated under section 674(a) for a fiscal year that remains after the Secretary makes the reservations required in section 674(b) exceeds \$345,000,000, the Secretary shall allot to each State not less than ½ of 1 percent of the amount appropriated under section 674(a) for such fiscal year.

“(2) MAINTENANCE OF FISCAL YEAR 1990 LEVELS.—Paragraph (1) shall not apply with respect to a fiscal year if the amount allotted under subsection (a) to any State for that year is less than the amount allotted under section 674(a)(1) (as in effect on September 30, 1989) to such State for fiscal year 1990.

“(3) MAXIMUM ALLOTMENTS.—The amount allotted under paragraph (1) to a State for a fiscal year shall be reduced, if necessary, so that the aggregate amount allotted to such State under such paragraph and subsection (a) does not exceed 140 percent of the aggregate amount allotted to such State under the corresponding provisions of this subtitle for the preceding fiscal year.

“(c) PAYMENTS.—The Secretary shall make grants to eligible States for the allotments described in subsections (a) and (b). The Secretary shall make payments for the grants in accordance with section 6503(a) of title 31, United States Code.

“(d) DEFINITION.—In this section, the term ‘State’ does not include Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

“SEC. 675C. USES OF FUNDS.

“(a) GRANTS TO ELIGIBLE ENTITIES AND OTHER ORGANIZATIONS.—

“(1) IN GENERAL.—Not less than 90 percent of the funds made available to a State under section 675A or 675B shall be used by the State to make grants for the purposes described in section 672 to eligible entities.

“(2) OBLIGATIONAL AUTHORITY.—Funds distributed to eligible entities through grants made in accordance with paragraph (1) for a fiscal year shall be available for obligation during that fiscal year and the succeeding fiscal year, subject to paragraph (3).

“(3) RECAPTURE AND REDISTRIBUTION OF UNOBLIGATED FUNDS.—

“(A) AMOUNT.—Beginning on October 1, 2000, a State may recapture and redistribute funds distributed to an eligible entity through a grant made under paragraph (1) that are unobligated at the end of a fiscal year if such unobligated funds exceed 20 percent of the amount so distributed to such eligible entity for such fiscal year.

“(B) REDISTRIBUTION.—In redistributing funds recaptured in accordance with this paragraph, States shall redistribute such funds to an eligible entity, or require the original recipient of the funds to redistribute the funds to a private, nonprofit organization, located within the community served by the original recipient of the funds, for ac-

tivities consistent with the purposes of this subtitle.

“(b) STATEWIDE ACTIVITIES.—

“(1) USE OF REMAINDER.—If a State uses less than 100 percent of the grant or allotment received under section 675A or 675B to make grants under subsection (a), the State shall use the remainder of the grant or allotment under section 675A or 675B (subject to paragraph (2)) for activities that may include—

“(A) providing training and technical assistance to those entities in need of such training and assistance;

“(B) coordinating State-operated programs and services, and at the option of the State, locally-operated programs and services, targeted to low-income children and families with services provided by eligible entities and other organizations funded under this subtitle, including detailing appropriate employees of State or local agencies to entities funded under this subtitle, to ensure increased access to services provided by such State or local agencies;

“(C) supporting statewide coordination and communication among eligible entities;

“(D) analyzing the distribution of funds made available under this subtitle within the State to determine if such funds have been targeted to the areas of greatest need;

“(E) supporting asset-building programs for low-income individuals, such as programs supporting individual development accounts;

“(F) supporting innovative programs and activities conducted by community action agencies or other neighborhood-based organizations to eliminate poverty, promote self-sufficiency, and promote community revitalization;

“(G) supporting State charity tax credits as described in subsection (c); and

“(H) supporting other activities, consistent with the purposes of this subtitle.

“(2) ADMINISTRATIVE CAP.—No State may spend more than the greater of \$55,000, or 5 percent, of the grant received under section 675A or State allotment received under section 675B for administrative expenses, including monitoring activities. Funds to be spent for such expenses shall be taken from the portion of the grant under section 675A or State allotment that remains after the State makes grants to eligible entities under subsection (a). The cost of activities conducted under paragraph (1)(A) shall not be considered to be administrative expenses. The startup cost and cost of administrative activities conducted under subsection (c) shall be considered to be administrative expenses.

“(c) CHARITY TAX CREDIT.—

“(1) IN GENERAL.—Subject to paragraph (2), if there is in effect under State law a charity tax credit, the State may use for any purpose the amount of the allotment that is available for expenditure under subsection (b).

“(2) LIMIT.—The aggregate amount a State may use under paragraph (1) during a fiscal year shall not exceed 100 percent of the revenue loss of the State during the fiscal year that is attributable to the charity tax credit, as determined by the Secretary of the Treasury without regard to any such revenue loss occurring before January 1, 1999.

“(3) DEFINITIONS AND RULES.—In this subsection:

“(A) CHARITY TAX CREDIT.—The term ‘charity tax credit’ means a nonrefundable credit against State income tax (or, in the case of a State that does not impose an income tax, a comparable benefit) that is allowable for contributions, in cash or in kind, to qualified charities.

“(B) QUALIFIED CHARITY.—

“(i) IN GENERAL.—The term ‘qualified charity’ means any organization—

“(I) that is—

“(aa) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

“(bb) an eligible entity; or

“(cc) a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6));

“(II) that is certified by the appropriate State authority as meeting the requirements of clauses (iii) and (iv); and

“(III) if such organization is otherwise required to file a return under section 6033 of such Code, that elects to treat the information required to be furnished by clause (v) as being specified in section 6033(b) of such Code.

“(ii) CERTAIN CONTRIBUTIONS TO COLLECTION ORGANIZATIONS TREATED AS CONTRIBUTIONS TO QUALIFIED CHARITY.—

“(I) IN GENERAL.—A contribution to a collection organization shall be treated as a contribution to a qualified charity if the donor designates in writing that the contribution is for the qualified charity.

“(II) COLLECTION ORGANIZATION.—The term ‘collection organization’ means an organization described in section 501(c)(3) of such Code and exempt from tax under section 501(a) of such Code—

“(aa) that solicits and collects gifts and grants that, by agreement, are distributed to qualified charities;

“(bb) that distributes to qualified charities at least 90 percent of the gifts and grants the organization receives that are designated for such qualified charities; and

“(cc) that meets the requirements of clause (vi).

“(iii) CHARITY MUST PRIMARILY ASSIST POOR INDIVIDUALS.—

“(I) IN GENERAL.—An organization meets the requirements of this clause only if the appropriate State authority reasonably expects that the predominant activity of such organization will be the provision of direct services within the United States to individuals and families whose annual incomes generally do not exceed 185 percent of the poverty line in order to prevent or alleviate poverty among such individuals and families.

“(II) NO RECORDKEEPING IN CERTAIN CASES.—An organization shall not be required to establish or maintain records with respect to the incomes of individuals and families for purposes of subclause (I) if such individuals or families are members of groups that are generally recognized as including substantially only individuals and families described in subclause (I).

“(III) FOOD AID AND HOMELESS SHELTERS.—Except as otherwise provided by the appropriate State authority, for purposes of subclause (I), services to individuals in the form of—

“(aa) donations of food or meals; or

“(bb) temporary shelter to homeless individuals;

shall be treated as provided to individuals described in subclause (I) if the location and provision of such services are such that the service provider may reasonably conclude that the beneficiaries of such services are predominantly individuals described in subclause (I).

“(iv) MINIMUM EXPENSE REQUIREMENT.—

“(I) IN GENERAL.—An organization meets the requirements of this clause only if the appropriate State authority reasonably expects that the annual poverty program expenses of such organization will not be less than 75 percent of the annual aggregate expenses of such organization.

“(II) POVERTY PROGRAM EXPENSE.—For purposes of subclause (I)—

“(aa) IN GENERAL.—The term ‘poverty program expense’ means any expense in providing direct services referred to in clause (iii).

“(bb) EXCEPTIONS.—Such term shall not include any management or general expense, any expense for the purpose of influencing legislation (as defined in section 4911(d) of the Internal Revenue Code of 1986), any expense for the purpose of fundraising, any expense for a legal service provided on behalf of any individual referred to in clause (iii), any expense for providing tuition assistance relating to compulsory school attendance, and any expense that consists of a payment to an affiliate of the organization.

“(v) REPORTING REQUIREMENT.—The information required to be furnished under this clause about an organization is—

“(I) the percentages determined by dividing the following categories of the organization’s expenses for the year by the total expenses of the organization for the year: expenses for direct services, management expenses, general expenses, fundraising expenses, and payments to affiliates; and

“(II) the category or categories (including food, shelter, education, substance abuse prevention or treatment, job training, or other) of services that constitute predominant activities of the organization.

“(vi) ADDITIONAL REQUIREMENTS FOR COLLECTION ORGANIZATIONS.—The requirements of this clause are met if the organization—

“(I) maintains separate accounting for revenues and expenses; and

“(II) makes available to the public information on the administrative and fundraising costs of the organization, and information as to the organizations receiving funds from the organization and the amount of such funds.

“(vii) SPECIAL RULE FOR STATES REQUIRING TAX UNIFORMITY.—In the case of a State—

“(I) that has a constitutional requirement of tax uniformity; and

“(II) that, as of December 31, 1997, imposed a tax on personal income with—

“(aa) a single flat rate applicable to all earned and unearned income (except insofar as any amount is not taxed pursuant to tax forgiveness provisions); and

“(bb) no generally available exemptions or deductions to individuals;

the requirement of paragraph (2) shall be treated as met if the amount of the credit described in paragraph (2) is limited to a uniform percentage (but not greater than 25 percent) of State personal income tax liability (determined without regard to credits).

“(4) LIMITATION ON USE OF FUNDS FOR STARTUP AND ADMINISTRATIVE ACTIVITIES.—Except to the extent provided in subsection (b)(2), no part of the aggregate amount a State uses under paragraph (1) may be used to pay for the cost of the startup and administrative activities conducted under this subsection.

“(5) PROHIBITION ON USE OF FUNDS FOR LEGAL SERVICES OR TUITION ASSISTANCE.—No part of the aggregate amount a State uses under paragraph (1) may be used to provide legal services or to provide tuition assistance related to compulsory education requirements (not including tuition assistance for tutoring, camps, skills development, or other supplemental services or training).

“(6) PROHIBITION ON SUPPLANTING FUNDS.—No part of the aggregate amount a State uses under paragraph (1) may be used to supplant non-Federal funds that would be available, in the absence of Federal funds, to offset a revenue loss of the State attributable to a charity tax credit.

“SEC. 676. APPLICATION AND PLAN.

“(a) DESIGNATION OF LEAD AGENCY.—

“(1) DESIGNATION.—The chief executive officer of a State desiring to receive a grant or allotment under section 675A or 675B shall designate, in an application submitted to the Secretary under subsection (b), an appropriate State agency that complies with the

requirements of paragraph (2) to act as a lead agency for purposes of carrying out State activities under this subtitle.

“(2) DUTIES.—The lead agency shall—

“(A) develop the State plan to be submitted to the Secretary under subsection (b);

“(B) in conjunction with the development of the State plan as required under subsection (b), hold at least one hearing in the State with sufficient time and statewide distribution of notice of such hearing, to provide to the public an opportunity to comment on the proposed use and distribution of funds to be provided through the grant or allotment under section 675A or 675B for the period covered by the State plan; and

“(C) conduct reviews of eligible entities under section 678B.

“(3) LEGISLATIVE HEARING.—In order to be eligible to receive a grant or allotment under section 675A or 675B, the State shall hold at least one legislative hearing every 3 years in conjunction with the development of the State plan.

“(b) STATE APPLICATION AND PLAN.—Beginning with fiscal year 2000, to be eligible to receive a grant or allotment under section 675A or 675B, a State shall prepare and submit to the Secretary an application and State plan covering a period of not less than 1 fiscal year and not more than 2 fiscal years. The plan shall be submitted not later than 30 days prior to the beginning of the first fiscal year covered by the plan, and shall contain such information as the Secretary shall require, including—

“(1) an assurance that funds made available through the grant or allotment will be used—

“(A) to support activities that are designed to assist low-income families and individuals, including families and individuals receiving assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), homeless families and individuals, migrant or seasonal farmworkers, and elderly low-income individuals and families, and a description of how such activities will enable the families and individuals—

“(i) to remove obstacles and solve problems that block the achievement of self-sufficiency (including self-sufficiency for families and individuals who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act);

“(ii) to secure and retain meaningful employment;

“(iii) to attain an adequate education, with particular attention toward improving literacy skills of the low-income families in the communities involved, which may include carrying out family literacy initiatives;

“(iv) to make better use of available income;

“(v) to obtain and maintain adequate housing and a suitable living environment;

“(vi) to obtain emergency assistance through loans, grants, or other means to meet immediate and urgent family and individual needs; and

“(vii) to achieve greater participation in the affairs of the communities involved, including the development of public and private grassroots partnerships with local law enforcement agencies, local housing authorities, private foundations, and other public and private partners to—

“(I) document best practices based on successful grassroots intervention in urban areas, to develop methodologies for widespread replication; and

“(II) strengthen and improve relationships with local law enforcement agencies, which may include participation in activities such as neighborhood or community policing efforts;

“(B) to address the needs of youth in low-income communities through youth develop-

ment programs that support the primary role of the family, give priority to the prevention of youth problems and crime, and promote increased community coordination and collaboration in meeting the needs of youth, and support development and expansion of innovative community-based youth development programs that have demonstrated success in preventing or reducing youth crime, such as—

“(i) programs for the establishment of violence-free zones that would involve youth development and intervention models (such as models involving youth mediation, youth mentoring, life skills training, job creation, and entrepreneurship programs); and

“(ii) after-school child care programs; and

“(C) to make more effective use of, and to coordinate with, other programs related to the purposes of this subtitle (including State welfare reform efforts);

“(2) a description of how the State intends to use discretionary funds made available from the remainder of the grant or allotment described in section 675C(b) in accordance with this subtitle, including a description of how the State will support innovative community and neighborhood-based initiatives related to the purposes of this subtitle;

“(3) information provided by eligible entities in the State, containing—

“(A) a description of the service delivery system, for services provided or coordinated with funds made available through grants made under section 675C(a), targeted to low-income individuals and families in communities within the State;

“(B) a description of how linkages will be developed to fill identified gaps in the services, through the provision of information, referrals, case management, and followup consultations;

“(C) a description of how funds made available through grants made under section 675C(a) will be coordinated with other public and private resources; and

“(D) a description of how the local entity will use the funds to support innovative community and neighborhood-based initiatives related to the purposes of this subtitle, which may include fatherhood initiatives and other initiatives with the goal of strengthening families and encouraging effective parenting;

“(4) an assurance that eligible entities in the State will provide, on an emergency basis, for the provision of such supplies and services, nutritious foods, and related services, as may be necessary to counteract conditions of starvation and malnutrition among low-income individuals;

“(5) an assurance that the State and the eligible entities in the State will coordinate, and establish linkages between, governmental and other social services programs to assure the effective delivery of such services to low-income individuals and to avoid duplication of such services, and a description of how the State and the eligible entities will coordinate the provision of employment and training activities, as defined in section 101 of such Act, in the State and in communities with entities providing activities through statewide and local workforce investment systems under the Workforce Investment Act of 1998;

“(6) an assurance that the State will ensure coordination between antipoverty programs in each community in the State, and ensure, where appropriate, that emergency energy crisis intervention programs under title XXVI (relating to low-income home energy assistance) are conducted in such community;

“(7) an assurance that the State will permit and cooperate with Federal investigations undertaken in accordance with section 678D;

“(8) an assurance that any eligible entity in the State that received funding in the previous fiscal year through a community services block grant made under this subtitle will not have its funding terminated under this subtitle, or reduced below the proportional share of funding the entity received in the previous fiscal year unless, after providing notice and an opportunity for a hearing on the record, the State determines that cause exists for such termination or such reduction, subject to review by the Secretary as provided in section 678C(b);

“(9) an assurance that the State and eligible entities in the State will, to the maximum extent possible, coordinate programs with and form partnerships with other organizations serving low-income residents of the communities and members of the groups served by the State, including religious organizations, charitable groups, and community organizations;

“(10) an assurance that the State will require each eligible entity in the State to establish procedures under which a low-income individual, community organization, or religious organization, or representative of low-income individuals that considers its organization, or low-income individuals, to be inadequately represented on the board (or other mechanism) of the eligible entity to petition for adequate representation;

“(11) an assurance that the State will secure from each eligible entity in the State, as a condition to receipt of funding by the entity through a community services block grant made under this subtitle for a program, a community action plan (which shall be submitted to the Secretary, at the request of the Secretary, with the State plan) that includes a community-needs assessment for the community served, which may be coordinated with community-needs assessments conducted for other programs;

“(12) an assurance that the State and all eligible entities in the State will, not later than fiscal year 2001, participate in the Results Oriented Management and Accountability System, another performance measure system for which the Secretary facilitated development pursuant to section 678E(b), or an alternative system for measuring performance and results that meets the requirements of that section, and a description of outcome measures to be used to measure eligible entity performance in promoting self-sufficiency, family stability, and community revitalization; and

“(13) information describing how the State will carry out the assurances described in this subsection.

“(c) FUNDING TERMINATION OR REDUCTIONS.—For purposes of making a determination in accordance with subsection (b)(8) with respect to—

“(1) a funding reduction, the term ‘cause’ includes—

“(A) a statewide redistribution of funds provided through a community services block grant under this subtitle to respond to—

“(i) the results of the most recently available census or other appropriate data;

“(ii) the designation of a new eligible entity; or

“(iii) severe economic dislocation; or

“(B) the failure of an eligible entity to comply with the terms of an agreement or a State plan, or to meet a State requirement, as described in section 678C(a); and

“(2) a termination, the term ‘cause’ includes the failure of an eligible entity to comply with the terms of an agreement or a State plan, or to meet a State requirement, as described in section 678C(a).

“(d) PROCEDURES AND INFORMATION.—The Secretary may prescribe procedures for the purpose of assessing the effectiveness of eli-

gible entities in carrying out the purposes of this subtitle.

“(e) REVISIONS AND INSPECTION.—

“(1) REVISIONS.—The chief executive officer of each State may revise any plan prepared under this section and shall submit the revised plan to the Secretary.

“(2) PUBLIC INSPECTION.—Each plan or revised plan prepared under this section shall be made available for public inspection within the State in such a manner as will facilitate review of, and comment on, the plan.

“(f) TRANSITION.—For fiscal year 2000, to be eligible to receive a grant or allotment under section 675A or 675B, a State shall prepare and submit to the Secretary an application and State plan in accordance with the provisions of this subtitle (as in effect on the day before the date of enactment of the Coats Human Services Reauthorization Act of 1998), rather than the provisions of subsections (a) through (c) relating to applications and plans.

“SEC. 676A. DESIGNATION AND REDESIGNATION OF ELIGIBLE ENTITIES IN UNSERVED AREAS.

“(a) QUALIFIED ORGANIZATION IN OR NEAR AREA.—

“(1) IN GENERAL.—If any geographic area of a State is not, or ceases to be, served by an eligible entity under this subtitle, and if the chief executive officer of the State decides to serve such area, the chief executive officer may solicit applications from, and designate as an eligible entity—

“(A) a private nonprofit organization (which may include an eligible entity) that is geographically located in the unserved area, that is capable of providing a broad range of services designed to eliminate poverty and foster self-sufficiency, and that meets the requirements of this subtitle; and

“(B) a private nonprofit eligible entity that is geographically located in an area contiguous to or within reasonable proximity of the unserved area and that is already providing related services in the unserved area.

“(2) REQUIREMENT.—In order to serve as the eligible entity for the area, an entity described in paragraph (1)(B) shall agree to add additional members to the board of the entity to ensure adequate representation—

“(A) in each of the three required categories described in subparagraphs (A), (B), and (C) of section 676B(a)(2), by members that reside in the community comprised by the unserved area; and

“(B) in the category described in section 676B(a)(2)(B), by members that reside in the neighborhood to be served.

“(b) SPECIAL CONSIDERATION.—In designating an eligible entity under subsection (a), the chief executive officer shall grant the designation to an organization of demonstrated effectiveness in meeting the goals and purposes of this subtitle and may give priority, in granting the designation, to eligible entities that are providing related services in the unserved area, consistent with the needs identified by a community-needs assessment.

“(c) NO QUALIFIED ORGANIZATION IN OR NEAR AREA.—If no private, nonprofit organization is identified or determined to be qualified under subsection (a) to serve the unserved area as an eligible entity the chief executive officer may designate an appropriate political subdivision of the State to serve as an eligible entity for the area. In order to serve as the eligible entity for that area, the political subdivision shall have a board or other mechanism as required in section 676B(b).

“SEC. 676B. TRIPARTITE BOARDS.

“(a) PRIVATE NONPROFIT ENTITIES.—

“(1) BOARD.—In order for a private, nonprofit entity to be considered to be an eligi-

ble entity for purposes of section 673(1), the entity shall administer the community services block grant program through a tripartite board described in paragraph (2) that fully participates in the development, planning, implementation, and evaluation of the program to serve low-income communities.

“(2) SELECTION AND COMPOSITION OF BOARD.—The members of the board referred to in paragraph (1) shall be selected by the entity and the board shall be composed so as to assure that—

“(A) $\frac{1}{3}$ of the members of the board are elected public officials, holding office on the date of selection, or their representatives, except that if the number of such elected officials reasonably available and willing to serve on the board is less than $\frac{1}{3}$ of the membership of the board, membership on the board of appointive public officials or their representatives may be counted in meeting such $\frac{1}{3}$ requirement;

“(B)(i) not fewer than $\frac{1}{3}$ of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members are representative of low-income individuals and families in the neighborhood served; and

“(ii) each representative of low-income individuals and families selected to represent a specific neighborhood within a community under clause (i) resides in the neighborhood represented by the member; and

“(C) the remainder of the members are officials or members of business, industry, labor, religious, law enforcement, education, or other major groups and interests in the community served.

“(b) PUBLIC ORGANIZATIONS.—In order for a public organization to be considered to be an eligible entity for purposes of section 673(1), the entity shall administer the community services block grant program through—

“(1) a tripartite board, which shall have members selected by the organization and shall be composed so as to assure that not fewer than $\frac{1}{3}$ of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members—

“(A) are representative of low-income individuals and families in the neighborhood served;

“(B) reside in the neighborhood served; and

“(C) are able to participate actively in the development, planning, implementation, and evaluation of programs funded under this subtitle; or

“(2) another mechanism specified by the State to assure decisionmaking and participation by low-income individuals in the development, planning, implementation, and evaluation of programs funded under this subtitle.

“SEC. 677. PAYMENTS TO INDIAN TRIBES.

“(a) RESERVATION.—If, with respect to any State, the Secretary—

“(1) receives a request from the governing body of an Indian tribe or tribal organization within the State that assistance under this subtitle be made directly to such tribe or organization; and

“(2) determines that the members of such tribe or tribal organization would be better served by means of grants made directly to provide benefits under this subtitle,

the Secretary shall reserve from amounts that would otherwise be allotted to such State under section 675B for the fiscal year the amount determined under subsection (b).

“(b) DETERMINATION OF RESERVED AMOUNT.—The Secretary shall reserve for the purpose of subsection (a) from amounts that would otherwise be allotted to such State, not less than 100 percent of an amount that bears the same ratio to the State allotment for the fiscal year involved as the population of all eligible Indians for whom a de-

termination has been made under subsection (a) bears to the population of all individuals eligible for assistance through a community services block grant made under this subtitle in such State.

“(c) AWARDS.—The sums reserved by the Secretary on the basis of a determination made under subsection (a) shall be made available by grant to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

“(d) PLAN.—In order for an Indian tribe or tribal organization to be eligible for a grant award for a fiscal year under this section, the tribe or organization shall submit to the Secretary a plan for such fiscal year that meets such criteria as the Secretary may prescribe by regulation.

“(e) DEFINITIONS.—In this section:

“(1) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms ‘Indian tribe’ and ‘tribal organization’ mean a tribe, band, or other organized group recognized in the State in which the tribe, band, or group resides, or considered by the Secretary of the Interior, to be an Indian tribe or an Indian organization for any purpose.

“(2) INDIAN.—The term ‘Indian’ means a member of an Indian tribe or of a tribal organization.

“SEC. 678. OFFICE OF COMMUNITY SERVICES.

“(a) OFFICE.—The Secretary shall carry out the functions of this subtitle through an Office of Community Services, which shall be established in the Department of Health and Human Services. The Office shall be headed by a Director.

“(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary shall carry out functions of this subtitle through grants, contracts, or cooperative agreements.

“SEC. 678A. TRAINING, TECHNICAL ASSISTANCE, AND OTHER ACTIVITIES.

“(a) ACTIVITIES.—

“(1) IN GENERAL.—The Secretary shall use amounts reserved in section 674(b)(2)—

“(A) for training, technical assistance, planning, evaluation, and performance measurement, to assist States in carrying out corrective action activities and monitoring (to correct programmatic deficiencies of eligible entities), and for reporting and data collection activities, related to programs carried out under this subtitle; and

“(B) to distribute amounts in accordance with subsection (c).

“(2) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The activities described in paragraph (1)(A) may be carried out by the Secretary through grants, contracts, or cooperative agreements with appropriate entities.

“(b) TERMS AND TECHNICAL ASSISTANCE PROCESS.—The process for determining the training and technical assistance to be carried out under this section shall—

“(1) ensure that the needs of eligible entities and programs relating to improving program quality (including quality of financial management practices) are addressed to the maximum extent feasible; and

“(2) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the national and State networks of eligible entities.

“(c) DISTRIBUTION REQUIREMENT.—

“(1) IN GENERAL.—The amounts reserved under section 674(b)(2)(A) for activities to be carried out under this subsection shall be distributed directly to eligible entities, organizations, or associations described in paragraph (2) for the purpose of improving program quality (including quality of financial management practices), management information and reporting systems, and measurement of program results, and for the purpose of ensuring responsiveness to identified local needs.

“(2) ELIGIBLE ENTITIES, ORGANIZATIONS, OR ASSOCIATIONS.—Eligible entities, organizations, or associations described in this paragraph shall be eligible entities, or statewide or local organizations or associations, with demonstrated expertise in providing training to individuals and organizations on methods of effectively addressing the needs of low-income families and communities.

“SEC. 678B. MONITORING OF ELIGIBLE ENTITIES.

“(a) IN GENERAL.—In order to determine whether eligible entities meet the performance goals, administrative standards, financial management requirements, and other requirements of a State, the State shall conduct the following reviews of eligible entities:

“(1) A full onsite review of each such entity at least once during each 3-year period.

“(2) An onsite review of each newly designated entity immediately after the completion of the first year in which such entity receives funds through the community services block grant program.

“(3) Followup reviews including prompt return visits to eligible entities, and their programs, that fail to meet the goals, standards, and requirements established by the State.

“(4) Other reviews as appropriate, including reviews of entities with programs that have had other Federal, State, or local grants (other than assistance provided under this subtitle) terminated for cause.

“(b) REQUESTS.—The State may request training and technical assistance from the Secretary as needed to comply with the requirements of this section.

“(c) EVALUATIONS BY THE SECRETARY.—The Secretary shall conduct in several States in each fiscal year evaluations (including investigations) of the use of funds received by the States under this subtitle in order to evaluate compliance with the provisions of this subtitle, and especially with respect to compliance with section 676(b). The Secretary shall submit, to each State evaluated, a report containing the results of such evaluations, and recommendations of improvements designed to enhance the benefit and impact of the activities carried out with such funds for people in need. On receiving the report, the State shall submit to the Secretary a plan of action in response to the recommendations contained in the report. The results of the evaluations shall be submitted annually to the Chairperson of the Committee on Education and the Workforce of the House of Representatives and the Chairperson of the Committee on Labor and Human Resources of the Senate as part of the report submitted by the Secretary in accordance with section 678E(b)(2).

“SEC. 678C. CORRECTIVE ACTION; TERMINATION AND REDUCTION OF FUNDING.

“(a) DETERMINATION.—If the State determines, on the basis of a final decision in a review pursuant to section 678B, that an eligible entity fails to comply with the terms of an agreement, or the State plan, to provide services under this subtitle or to meet appropriate standards, goals, and other requirements established by the State (including performance objectives), the State shall—

“(1) inform the entity of the deficiency to be corrected;

“(2) require the entity to correct the deficiency;

“(3)(A) offer training and technical assistance, if appropriate, to help correct the deficiency, and prepare and submit to the Secretary a report describing the training and technical assistance offered; or

“(B) if the State determines that such training and technical assistance are not appropriate, prepare and submit to the Secretary a report stating the reasons for the determination;

“(4)(A) at the discretion of the State (taking into account the seriousness of the defi-

ciency and the time reasonably required to correct the deficiency), allow the entity to develop and implement, within 60 days after being informed of the deficiency, a quality improvement plan to correct such deficiency within a reasonable period of time, as determined by the State; and

“(B) not later than 30 days after receiving from an eligible entity a proposed quality improvement plan pursuant to subparagraph (A), either approve such proposed plan or specify the reasons why the proposed plan cannot be approved; and

“(5) after providing adequate notice and an opportunity for a hearing, initiate proceedings to terminate the designation or reduce the funding under this subtitle of the eligible entity unless the entity corrects the deficiency.

“(b) REVIEW.—A determination to terminate the designation or reduce the funding of an eligible entity is reviewable by the Secretary. The Secretary shall, upon request, review such a determination. The review shall be completed not later than 90 days after the Secretary receives from the State all necessary documentation relating to the determination to terminate the designation or reduce the funding. If the review is not completed within 90 days, the determination of the State shall become final at the end of the 90th day.

“(c) DIRECT ASSISTANCE.—Whenever a State violates the assurances contained in section 676(b)(8) and terminates or reduces the funding of an eligible entity prior to the completion of the State hearing described in that section and the Secretary's review as required in subsection (b), the Secretary is authorized to provide financial assistance under this subtitle to the eligible entity affected until the violation is corrected. In such a case, the grant or allotment for the State under section 675A or 675B for the earliest appropriate fiscal year shall be reduced by an amount equal to the funds provided under this subsection to such eligible entity.

“SEC. 678D. FISCAL CONTROLS, AUDITS, AND WITHHOLDING.

“(a) FISCAL CONTROLS, PROCEDURES, AUDITS, AND INSPECTIONS.—

“(1) IN GENERAL.—A State that receives funds under this subtitle shall—

“(A) establish fiscal control and fund accounting procedures necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this subtitle, including procedures for monitoring the funds provided under this subtitle;

“(B) ensure that cost and accounting standards of the Office of Management and Budget apply to a recipient of the funds under this subtitle;

“(C) subject to paragraph (2), prepare, at least every year, an audit of the expenditures of the State of amounts received under this subtitle and amounts transferred to carry out the purposes of this subtitle; and

“(D) make appropriate books, documents, papers, and records available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request for the items.

“(2) AUDITS.—

“(A) IN GENERAL.—Subject to subparagraph (B), each audit required by subsection (a)(1)(C) shall be conducted by an entity independent of any agency administering activities or services carried out under this subtitle and shall be conducted in accordance with generally accepted accounting principles.

“(B) SINGLE AUDIT REQUIREMENTS.—Audits shall be conducted under this paragraph in the manner and to the extent provided in

chapter 75 of title 31, United States Code (commonly known as the ‘Single Audit Act Amendments of 1996’).

“(C) SUBMISSION OF COPIES.—Within 30 days after the completion of each such audit in a State, the chief executive officer of the State shall submit a copy of such audit to any eligible entity that was the subject of the audit at no charge, to the legislature of the State, and to the Secretary.

“(3) REPAYMENTS.—The State shall repay to the United States amounts found not to have been expended in accordance with this subtitle or the Secretary may offset such amounts against any other amount to which the State is or may become entitled under this subtitle.

“(b) WITHHOLDING.—

“(1) IN GENERAL.—The Secretary shall, after providing adequate notice and an opportunity for a hearing conducted within the affected State, withhold funds from any State that does not utilize the grant or allotment under section 675A or 675B in accordance with the provisions of this subtitle, including the assurances such State provided under section 676.

“(2) RESPONSE TO COMPLAINTS.—The Secretary shall respond in an expeditious and speedy manner to complaints of a substantial or serious nature that a State has failed to use funds in accordance with the provisions of this subtitle, including the assurances provided by the State under section 676. For purposes of this paragraph, a complaint of a failure to meet any one of the assurances provided under section 676 that constitutes disregarding that assurance shall be considered to be a complaint of a serious nature.

“(3) INVESTIGATIONS.—Whenever the Secretary determines that there is a pattern of complaints of failures described in paragraph (2) from any State in any fiscal year, the Secretary shall conduct an investigation of the use of funds received under this subtitle by such State in order to ensure compliance with the provisions of this subtitle.

“SEC. 678E. ACCOUNTABILITY AND REPORTING REQUIREMENTS.

“(a) STATE ACCOUNTABILITY AND REPORTING REQUIREMENTS.—

“(1) PERFORMANCE MEASUREMENT.—

“(A) IN GENERAL.—By October 1, 2001, each State that receives funds under this subtitle shall participate, and shall ensure that all eligible entities in the State participate, in a performance measurement system, which may be a performance measurement system for which the Secretary facilitated development pursuant to subsection (b), or an alternative system that the Secretary is satisfied meets the requirements of subsection (b).

“(B) LOCAL AGENCIES.—The State may elect to have local agencies that are subcontractors of the eligible entities under this subtitle participate in the performance measurement system. If the State makes that election, references in this section to eligible entities shall be considered to include the local agencies.

“(2) ANNUAL REPORT.—Each State shall annually prepare and submit to the Secretary a report on the measured performance of the State and the eligible entities in the State. Prior to the participation of the State in the performance measurement system, the State shall include in the report any information collected by the State relating to such performance. Each State shall also include in the report an accounting of the expenditure of funds received by the State through the community services block grant program, including an accounting of funds spent on administrative costs by the State and the eligible entities, and funds spent by eligible entities on the direct delivery of local services, and shall include information on the

number of and characteristics of clients served under this subtitle in the State, based on data collected from the eligible entities. The State shall also include in the report a summary describing the training and technical assistance offered by the State under section 678C(a)(3) during the year covered by the report.

“(b) SECRETARY’S ACCOUNTABILITY AND REPORTING REQUIREMENTS.—

“(1) PERFORMANCE MEASUREMENT.—The Secretary, in collaboration with the States and with eligible entities throughout the Nation, shall facilitate the development of one or more model performance measurement systems, which may be used by the States and by eligible entities to measure their performance in carrying out the requirements of this subtitle and in achieving the goals of their community action plans. The Secretary shall provide technical assistance, including support for the enhancement of electronic data systems, to States and to eligible entities to enhance their capability to collect and report data for such a system and to aid in their participation in such a system.

“(2) REPORTING REQUIREMENTS.—At the end of each fiscal year beginning after September 30, 1999, the Secretary shall, directly or by grant or contract, prepare a report containing—

“(A) a summary of the planned use of funds by each State, and the eligible entities in the State, under the community services block grant program, as contained in each State plan submitted pursuant to section 676;

“(B) a description of how funds were actually spent by the State and eligible entities in the State, including a breakdown of funds spent on administrative costs and on the direct delivery of local services by eligible entities;

“(C) information on the number of entities eligible for funds under this subtitle, the number of low-income persons served under this subtitle, and such demographic data on the low-income populations served by eligible entities as is determined by the Secretary to be feasible;

“(D) a comparison of the planned uses of funds for each State and the actual uses of the funds;

“(E) a summary of each State’s performance results, and the results for the eligible entities, as collected and submitted by the States in accordance with subsection (a)(2); and

“(F) any additional information that the Secretary considers to be appropriate to carry out this subtitle, if the Secretary informs the States of the need for such additional information and allows a reasonable period of time for the States to collect and provide the information.

“(3) SUBMISSION.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate the report described in paragraph (2), and any comments the Secretary may have with respect to such report. The report shall include definitions of direct and administrative costs used by the Department of Health and Human Services for programs funded under this subtitle.

“(4) COSTS.—Of the funds reserved under section 674(b)(3), not more than \$350,000 shall be available to carry out the reporting requirements contained in paragraph (2).

“SEC. 678F. LIMITATIONS ON USE OF FUNDS.

“(a) CONSTRUCTION OF FACILITIES.—

“(1) LIMITATIONS.—Except as provided in paragraph (2), grants made under this subtitle (other than amounts reserved under section 674(b)(3)) may not be used by the State, or by any other person with which the State makes arrangements to carry out the purposes of this subtitle, for the purchase or

improvement of land, or the purchase, construction, or permanent improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility.

“(2) WAIVER.—The Secretary may waive the limitation contained in paragraph (1) upon a State request for such a waiver, if the Secretary finds that the request describes extraordinary circumstances to justify the purchase of land or the construction of facilities (or the making of permanent improvements) and that permitting the waiver will contribute to the ability of the State to carry out the purposes of this subtitle.

“(b) POLITICAL ACTIVITIES.—

“(1) TREATMENT AS A STATE OR LOCAL AGENCY.—For purposes of chapter 15 of title 5, United States Code, any entity that assumes responsibility for planning, developing, and coordinating activities under this subtitle and receives assistance under this subtitle shall be deemed to be a State or local agency. For purposes of paragraphs (1) and (2) of section 1502(a) of such title, any entity receiving assistance under this subtitle shall be deemed to be a State or local agency.

“(2) PROHIBITIONS.—Programs assisted under this subtitle shall not be carried on in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel, in a manner supporting or resulting in the identification of such programs with—

“(A) any partisan or nonpartisan political activity or any political activity associated with a candidate, or contending faction or group, in an election for public or party office;

“(B) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or

“(C) any voter registration activity.

“(3) RULES AND REGULATIONS.—The Secretary, after consultation with the Office of Personnel Management, shall issue rules and regulations to provide for the enforcement of this subsection, which shall include provisions for summary suspension of assistance or other action necessary to permit enforcement on an emergency basis.

“(c) NONDISCRIMINATION.—

“(1) IN GENERAL.—No person shall, on the basis of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this subtitle. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified individual with a disability as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) shall also apply to any such program or activity.

“(2) ACTION OF SECRETARY.—Whenever the Secretary determines that a State that has received a payment under this subtitle has failed to comply with paragraph (1) or an applicable regulation, the Secretary shall notify the chief executive officer of the State and shall request that the officer secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary is authorized to—

“(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

“(B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or title II of the Ameri-

cans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.), as may be applicable; or

“(C) take such other action as may be provided by law.

“(3) ACTION OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to paragraph (2), or whenever the Attorney General has reason to believe that the State is engaged in a pattern or practice of discrimination in violation of the provisions of this subsection, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

“SEC. 678G. DRUG AND CHILD SUPPORT SERVICES AND REFERRALS.

“(a) DRUG TESTING AND REHABILITATION.—

“(1) IN GENERAL.—Nothing in this subtitle shall be construed to prohibit a State from testing participants in programs, activities, or services carried out or provided under this subtitle for controlled substances. A State that conducts such testing shall inform the participants who test positive for any of such substances about the availability of treatment or rehabilitation services and refer such participants for appropriate treatment or rehabilitation services.

“(2) ADMINISTRATIVE EXPENSES.—Any funds provided under this subtitle expended for such testing shall be considered to be expended for administrative expenses and shall be subject to the limitation specified in section 675C(b)(2).

“(3) DEFINITION.—In this subsection, the term ‘controlled substance’ has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

“(b) CHILD SUPPORT SERVICES AND REFERRALS.—During each fiscal year for which an eligible entity receives a grant under section 675C, such entity shall—

“(1) inform custodial parents in single-parent families that participate in programs, activities, or services carried out or provided under this subtitle about the availability of child support services; and

“(2) refer eligible parents to the child support offices of State and local governments.

“SEC. 679. OPERATIONAL RULE.

“(a) RELIGIOUS ORGANIZATIONS INCLUDED AS NONGOVERNMENTAL PROVIDERS.—For any program carried out by the Federal Government, or by a State or local government under this subtitle, the government shall consider, on the same basis as other nongovernmental organizations, religious organizations to provide the assistance under the program, so long as the program is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. Neither the Federal Government nor a State or local government receiving funds under this subtitle shall discriminate against an organization that provides assistance under, or applies to provide assistance under, this subtitle, on the basis that the organization has a religious character.

“(b) RELIGIOUS CHARACTER AND INDEPENDENCE.—

“(1) IN GENERAL.—A religious organization that provides assistance under a program described in subsection (a) shall retain its religious character and control over the definition, development, practice, and expression of its religious beliefs.

“(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State or local government shall require a religious organization—

“(A) to alter its form of internal governance, except (for purposes of administration of the community services block grant program) as provided in section 676B; or

“(B) to remove religious art, icons, scripture, or other symbols;

in order to be eligible to provide assistance under a program described in subsection (a).

“(3) EMPLOYMENT PRACTICES.—A religious organization’s exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1) regarding employment practices shall not be affected by its participation in, or receipt of funds from, programs described in subsection (a).

“(c) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided directly to a religious organization to provide assistance under any program described in subsection (a) shall be expended for sectarian worship, instruction, or proselytization.

“(d) FISCAL ACCOUNTABILITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization providing assistance under any program described in subsection (a) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

“(2) LIMITED AUDIT.—Such organization shall segregate government funds provided under such program into a separate account. Only the government funds shall be subject to audit by the government.

“(e) TREATMENT OF ELIGIBLE ENTITIES AND OTHER INTERMEDIATE ORGANIZATIONS.—If an eligible entity or other organization (referred to in this subsection as an ‘intermediate organization’), acting under a contract, or grant or other agreement, with the Federal Government or a State or local government, is given the authority under the contract or agreement to select nongovernmental organizations to provide assistance under the programs described in subsection (a), the intermediate organization shall have the same duties under this section as the government.

“SEC. 680. DISCRETIONARY AUTHORITY OF THE SECRETARY.

“(a) GRANTS, CONTRACTS, ARRANGEMENTS, LOANS, AND GUARANTEES.—

“(1) IN GENERAL.—The Secretary shall, from funds reserved under section 674(b)(3), make grants, loans, or guarantees to States and public agencies and private, nonprofit organizations, or enter into contracts or jointly financed cooperative arrangements with States and public agencies and private, nonprofit organizations (and for-profit organizations, to the extent specified in paragraph (2)(E)) for each of the objectives described in paragraphs (2) through (4).

“(2) COMMUNITY ECONOMIC DEVELOPMENT.—

“(A) ECONOMIC DEVELOPMENT ACTIVITIES.—The Secretary shall make grants described in paragraph (1) on a competitive basis to private, nonprofit organizations that are community development corporations to provide technical and financial assistance for economic development activities designed to address the economic needs of low-income individuals and families by creating employment and business development opportunities.

“(B) CONSULTATION.—The Secretary shall exercise the authority provided under subparagraph (A) after consultation with other relevant Federal officials.

“(C) GOVERNING BOARDS.—For a community development corporation to receive funds to carry out this paragraph, the corporation shall be governed by a board that shall consist of residents of the community and business and civic leaders and shall have as a principal purpose planning, developing, or managing low-income housing or community development projects.

“(D) GEOGRAPHIC DISTRIBUTION.—In making grants to carry out this paragraph, the Secretary shall take into consideration the geographic distribution of funding among States

and the relative proportion of funding among rural and urban areas.

“(E) RESERVATION.—Of the amounts made available to carry out this paragraph, the Secretary may reserve not more than 1 percent for each fiscal year to make grants to private, nonprofit organizations or to enter into contracts with private, nonprofit or for-profit organizations to provide technical assistance to aid community development corporations in developing or implementing activities funded to carry out this paragraph and to evaluate activities funded to carry out this paragraph.

“(3) RURAL COMMUNITY DEVELOPMENT ACTIVITIES.—The Secretary shall provide the assistance described in paragraph (1) for rural community development activities, which shall include providing—

“(A) grants to private, nonprofit corporations to enable the corporations to provide assistance concerning home repair to rural low-income families and concerning planning and developing low-income rural rental housing units; and

“(B) grants to multistate, regional, private, nonprofit organizations to enable the organizations to provide training and technical assistance to small, rural communities concerning meeting their community facility needs.

“(4) NEIGHBORHOOD INNOVATION PROJECTS.—The Secretary shall provide the assistance described in paragraph (1) for neighborhood innovation projects, which shall include providing grants to neighborhood-based private, nonprofit organizations to test or assist in the development of new approaches or methods that will aid in overcoming special problems identified by communities or neighborhoods or otherwise assist in furthering the purposes of this subtitle, and which may include providing assistance for projects that are designed to serve low-income individuals and families who are not being effectively served by other programs.

“(b) EVALUATION.—The Secretary shall require all activities receiving assistance under this section to be evaluated for their effectiveness. Funding for such evaluations shall be provided as a stated percentage of the assistance or through a separate grant awarded by the Secretary specifically for the purpose of evaluation of a particular activity or group of activities.

“(c) ANNUAL REPORT.—The Secretary shall compile an annual report containing a summary of the evaluations required in subsection (b) and a listing of all activities assisted under this section. The Secretary shall annually submit the report to the Chairperson of the Committee on Education and the Workforce of the House of Representatives and the Chairperson of the Committee on Labor and Human Resources of the Senate.

“SEC. 681. COMMUNITY FOOD AND NUTRITION PROGRAMS.

“(a) GRANTS.—The Secretary may, through grants to public and private, nonprofit agencies, provide for community-based, local, statewide, and national programs—

“(1) to coordinate private and public food assistance resources, wherever the grant recipient involved determines such coordination to be inadequate, to better serve low-income populations;

“(2) to assist low-income communities to identify potential sponsors of child nutrition programs and to initiate such programs in underserved or unserved areas; and

“(3) to develop innovative approaches at the State and local level to meet the nutrition needs of low-income individuals.

“(b) ALLOTMENTS AND DISTRIBUTION OF FUNDS.—

“(1) NOT TO EXCEED \$6,000,000 IN APPROPRIATIONS.—Of the amount appropriated for a fis-

cal year to carry out this section (but not to exceed \$6,000,000), the Secretary shall distribute funds for grants under subsection (a) as follows:

“(A) ALLOTMENTS.—From a portion equal to 60 percent of such amount (but not to exceed \$3,600,000), the Secretary shall allot for grants to eligible agencies for statewide programs in each State the amount that bears the same ratio to such portion as the low-income and unemployed population of such State bears to the low-income and unemployed population of all the States.

“(B) COMPETITIVE GRANTS.—From a portion equal to 40 percent of such amount (but not to exceed \$2,400,000), the Secretary shall make grants on a competitive basis to eligible agencies for local and statewide programs.

“(2) GREATER AVAILABLE APPROPRIATIONS.—Any amounts appropriated for a fiscal year to carry out this section in excess of \$6,000,000 shall be allotted as follows:

“(A) ALLOTMENTS.—The Secretary shall use 40 percent of such excess to allot for grants under subsection (a) to eligible agencies for statewide programs in each State an amount that bears the same ratio to 40 percent of such excess as the low-income and unemployed population of such State bears to the low-income and unemployed population of all the States.

“(B) COMPETITIVE GRANTS FOR LOCAL AND STATEWIDE PROGRAMS.—The Secretary shall use 40 percent of such excess to make grants under subsection (a) on a competitive basis to eligible agencies for local and statewide programs.

“(C) COMPETITIVE GRANTS FOR NATIONWIDE PROGRAMS.—The Secretary shall use the remaining 20 percent of such excess to make grants under subsection (a) on a competitive basis to eligible agencies for nationwide programs, including programs benefiting Indians, as defined in section 677, and migrant or seasonal farmworkers.

“(3) ELIGIBILITY FOR ALLOTMENTS FOR STATEWIDE PROGRAMS.—To be eligible to receive an allotment under paragraph (1)(A) or (2)(A), an eligible agency shall demonstrate that the proposed program is statewide in scope and represents a comprehensive and coordinated effort to alleviate hunger within the State.

“(4) MINIMUM ALLOTMENTS FOR STATEWIDE PROGRAMS.—

“(A) IN GENERAL.—From the amounts allotted under paragraphs (1)(A) and (2)(A), the minimum total allotment for each State for each fiscal year shall be—

“(i) \$15,000 if the total amount appropriated to carry out this section is not less than \$7,000,000 but less than \$10,000,000;

“(ii) \$20,000 if the total amount appropriated to carry out this section is not less than \$10,000,000 but less than \$15,000,000; or

“(iii) \$30,000 if the total amount appropriated to carry out this section is not less than \$15,000,000.

“(B) DEFINITION.—In this paragraph, the term ‘State’ does not include Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands.

“(5) MAXIMUM GRANTS.—From funds made available under paragraphs (1)(B) and (2)(B) for any fiscal year, the Secretary may not make grants under subsection (a) to an eligible agency in an aggregate amount exceeding \$50,000. From funds made available under paragraph (2)(C) for any fiscal year, the Secretary may not make grants under subsection (a) to an eligible agency in an aggregate amount exceeding \$300,000.

“(c) REPORT.—For each fiscal year, the Secretary shall prepare and submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources

of the Senate, a report concerning the grants made under this section. Such report shall include—

- “(1) a list of grant recipients;
- “(2) information on the amount of funding awarded to each grant recipient; and
- “(3) a summary of the activities performed by the grant recipients with funding awarded under this section and a description of the manner in which such activities meet the objectives described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 1999 through 2003.

“SEC. 682. NATIONAL OR REGIONAL PROGRAMS DESIGNED TO PROVIDE INSTRUCTIONAL ACTIVITIES FOR LOW-INCOME YOUTH.

“(a) GENERAL AUTHORITY.—The Secretary is authorized to make a grant to an eligible service provider to administer national or regional programs to provide instructional activities for low-income youth. In making such a grant, the Secretary shall give priority to eligible service providers that have a demonstrated ability to operate such a program.

“(b) PROGRAM REQUIREMENTS.—Any instructional activity carried out by an eligible service provider receiving a grant under this section shall be carried out on the campus of an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) and shall include—

“(1) access to the facilities and resources of such an institution;

“(2) an initial medical examination and follow-up referral or treatment, without charge, for youth during their participation in such activity;

“(3) at least one nutritious meal daily, without charge, for participating youth during each day of participation;

“(4) high quality instruction in a variety of sports (that shall include swimming and that may include dance and any other high quality recreational activity) provided by coaches and teachers from institutions of higher education and from elementary and secondary schools (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)); and

“(5) enrichment instruction and information on matters relating to the well-being of youth, to include educational opportunities and information on study practices, education for the prevention of drug and alcohol abuse, and information on health and nutrition, career opportunities, and family and job responsibilities.

“(c) ADVISORY COMMITTEE; PARTNERSHIPS.—The eligible service provider shall, in each community in which a program is funded under this section—

“(1) ensure that—

“(A) a community-based advisory committee is established, with representatives from local youth, family, and social service organizations, schools, entities providing park and recreation services, and other community-based organizations serving high-risk youth; or

“(B) an existing community-based advisory board, commission, or committee with similar membership is utilized to serve as the committee described in subparagraph (A); and

“(2) enter into formal partnerships with youth-serving organizations or other appropriate social service entities in order to link program participants with year-round services in their home communities that support and continue the objectives of this subtitle.

“(d) ELIGIBLE PROVIDERS.—A service provider that is a national private, nonprofit organization, a coalition of such organizations,

or a private, nonprofit organization applying jointly with a business concern shall be eligible to apply for a grant under this section if—

“(1) the applicant has demonstrated experience in operating a program providing instruction to low-income youth;

“(2) the applicant agrees to contribute an amount (in cash or in kind, fairly evaluated) of not less than 25 percent of the amount requested, for the program funded through the grant;

“(3) the applicant agrees to use no funds from a grant authorized under this section for administrative expenses; and

“(4) the applicant agrees to comply with the regulations or program guidelines promulgated by the Secretary for use of funds made available through the grant.

“(e) APPLICATION PROCESS.—To be eligible to receive a grant under this section, a service provider shall submit to the Secretary, for approval, an application at such time, in such manner, and containing such information as the Secretary may require.

“(f) PROMULGATION OF REGULATIONS OR PROGRAM GUIDELINES.—The Secretary shall promulgate regulations or program guidelines to ensure funds made available through a grant made under this section are used in accordance with the objectives of this subtitle.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$15,000,000 for each of fiscal years 1999 through 2003 for grants to carry out this section.

“SEC. 683. REFERENCES.

“Any reference in any provision of law to the poverty line set forth in section 624 or 625 of the Economic Opportunity Act of 1964 shall be construed to be a reference to the poverty line defined in section 673. Except as otherwise provided, any reference in any provision of law to any community action agency designated under title II of the Economic Opportunity Act of 1964 shall be construed to be a reference to an entity eligible to receive funds under the community services block grant program.”.

SEC. 202. CONFORMING AMENDMENTS.

(a) OLDER AMERICANS ACT OF 1965.—Section 306(a)(6)(E)(ii) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)(E)(ii)) is amended by striking “section 675(c)(3) of the Community Services Block Grant Act (42 U.S.C. 9904(c)(3))” and inserting “section 676B of the Community Services Block Grant Act”.

(b) COMMUNITY ECONOMIC DEVELOPMENT ACT OF 1981.—

(1) SOURCE OF FUNDS.—Section 614 of the Community Economic Development Act of 1981 (42 U.S.C. 9803) is repealed.

(2) ADVISORY COMMUNITY INVESTMENT BOARD.—Section 615(a)(2) of the Community Economic Development Act of 1981 (42 U.S.C. 9804(a)(2)) is amended by striking “through the Office” and all that follows and inserting “through an appropriate office.”.

(c) HUMAN SERVICES REAUTHORIZATION ACT OF 1986.—Section 407 of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9812a) is amended—

(1) in subsection (a)—

(A) by inserting after “funds available” the following: “(before the date of enactment of the Coats Human Services Reauthorization Act of 1998)”; and

(B) by inserting after “9910(a)” the following: “(as in effect before such date)”; and

(2) in subsection (b)(2)—

(A) by inserting after “funds available” the following: “(before the date of enactment of the Coats Human Services Reauthorization Act of 1998)”; and

(B) by inserting after “9910(a)” the following: “(as in effect before such date)”.

(d) ANTI-DRUG ABUSE ACT OF 1988.—Section 3521(c)(2) of the Anti-Drug Abuse Act of 1988

(42 U.S.C. 11841(c)(2)) is amended by striking “, such as activities authorized by section 681(a)(2)(F) of the Community Services Block Grant Act (42 U.S.C. section 9910(a)(2)(F))”.

TITLE III—LOW-INCOME HOME ENERGY ASSISTANCE

SEC. 301. SHORT TITLE.

This title may be cited as the “Low-Income Home Energy Assistance Amendments of 1998”.

SEC. 302. AUTHORIZATION.

(a) IN GENERAL.—Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by inserting “, such sums as may be necessary for each of fiscal years 2000 and 2001, and \$2,000,000,000 for each of fiscal years 2002 through 2004” after “1995 through 1999”.

(b) PROGRAM YEAR.—Section 2602(c) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(c)) is amended to read as follows:

“(c) Amounts appropriated under this section for any fiscal year for programs and activities under this title shall be made available for obligation in the succeeding fiscal year.”.

(c) INCENTIVE PROGRAM FOR LEVERAGING NON-FEDERAL RESOURCES.—Section 2602(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(d)) is amended—

(1) by striking “(d)” and inserting “(d-1)”; and

(2) by striking “are authorized” and inserting “is authorized”;

(3) by striking “\$50,000,000” and all that follows and inserting the following: “\$30,000,000 for each of fiscal years 1999 through 2004, except as provided in paragraph (2).”; and

(4) by adding at the end the following: “(2) For any of fiscal years 1999 through 2004 for which the amount appropriated under subsection (b) is not less than \$1,400,000,000, there is authorized to be appropriated \$50,000,000 to carry out section 2607A.”.

(d) TECHNICAL AMENDMENTS.—Section 2602(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(e)) is amended—

(1) by striking “are authorized” and inserting “is authorized”; and

(2) by striking “subsection (g)” and inserting “subsection (e) of such section”.

SEC. 303. DEFINITIONS.

Section 2603(4) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622(4)) is amended—

(1) by striking “the term” and inserting “The term”; and

(2) by striking the semicolon and inserting a period.

SEC. 304. NATURAL DISASTERS AND OTHER EMERGENCIES.

(a) DEFINITIONS.—Section 2603 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622) is amended—

(1) by redesignating paragraphs (6) through (9) as paragraphs (8) through (11), respectively;

(2) by inserting before paragraph (8) (as redesignated in paragraph (1)) the following:

“(7) The term ‘natural disaster’ means a weather event (relating to cold or hot weather), flood, earthquake, tornado, hurricane, or ice storm, or an event meeting such other criteria as the Secretary, in the discretion of the Secretary, may determine to be appropriate.”;

(3) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(4) by inserting before paragraph (2) (as redesignated in paragraph (3)) the following:

“(1) The term ‘emergency’ means—

“(A) a natural disaster;

“(B) a significant home energy supply shortage or disruption;

“(C) a significant increase in the cost of home energy, as determined by the Secretary;

“(D) a significant increase in home energy disconnections reported by a utility, a State regulatory agency, or another agency with necessary data;

“(E) a significant increase in participation in a public benefit program such as the food stamp program carried out under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the national program to provide supplemental security income carried out under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or the State temporary assistance for needy families program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), as determined by the head of the appropriate Federal agency;

“(F) a significant increase in unemployment, layoffs, or the number of households with an individual applying for unemployment benefits, as determined by the Secretary of Labor; or

“(G) an event meeting such criteria as the Secretary, in the discretion of the Secretary, may determine to be appropriate.”

(b) **CONSIDERATIONS.**—Section 2604(g) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)) is amended by striking the last two sentences and inserting the following: “In determining whether to make such an allotment to a State, the Secretary shall take into account the extent to which the State was affected by the natural disaster or other emergency involved, the availability to the State of other resources under the program carried out under this title or any other program, and such other factors as the Secretary may find to be relevant. Not later than 30 days after making the determination, but prior to releasing an allotted amount to a State, the Secretary shall notify Congress of the allotments made pursuant to this subsection.”

SEC. 305. STATE ALLOTMENTS.

Section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623) is amended—

(1) in subsection (b)(1), by striking “the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.” and inserting “and the Commonwealth of the Northern Mariana Islands.”;

(2) in subsection (c)(3)(B)(ii), by striking “application” and inserting “applications”;

(3) by striking subsection (f);

(4) in the first sentence of subsection (g), by striking “(a) through (f)” and inserting “(a) through (d)”;

(5) by redesignating subsection (g) as subsection (e).

SEC. 306. ADMINISTRATION.

Section 2605 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624) is amended—

(1) in subsection (b)—

(A) in paragraph (9)(A), by striking “and not transferred pursuant to section 2604(f) for use under another block grant”;

(B) in paragraph (14), by striking “; and” and inserting a semicolon;

(C) in the matter following paragraph (14), by striking “The Secretary may not prescribe the manner in which the States will comply with the provisions of this subsection.”; and

(D) in the matter following paragraph (16), by inserting before “The Secretary shall issue” the following: “The Secretary may not prescribe the manner in which the States will comply with the provisions of this subsection.”;

(2) in subsection (c)(1)—

(A) in subparagraph (B), by striking “States” and inserting “State”; and

(B) in subparagraph (G)(i), by striking “has” and inserting “had”; and

(3) in paragraphs (1) and (2)(A) of subsection (k) by inserting “, particularly those low-income households with the lowest incomes that pay a high proportion of household income for home energy” before the period.

SEC. 307. PAYMENTS TO STATES.

Section 2607(b)(2)(B) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626(b)(2)(B)) is amended—

(1) in the first sentence, by striking “and not transferred pursuant to section 2604(f)”;

(2) in the second sentence, by striking “but not transferred by the State”.

SEC. 308. RESIDENTIAL ENERGY ASSISTANCE CHALLENGE OPTION.

(a) **EVALUATION.**—The Comptroller General of the United States shall conduct an evaluation of the Residential Energy Assistance Challenge program described in section 2607B of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626b).

(b) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report containing—

(1) the findings resulting from the evaluation described in subsection (a); and

(2) the State evaluations described in paragraphs (1) and (2) of subsection (b) of such section 2607B.

(c) **INCENTIVE GRANTS.**—Section 2607B(b)(1) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626b(b)(1)) is amended by striking “For each of the fiscal years 1996 through 1999” and inserting “For each fiscal year”.

(d) **TECHNICAL AMENDMENTS.**—Section 2607B of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626b) is amended—

(1) in subsection (e)(2)—

(A) by redesignating subparagraphs (F) through (N) as subparagraphs (E) through (M), respectively; and

(B) in clause (i) of subparagraph (I) (as redesignated in subparagraph (A)), by striking “on” and inserting “of”; and

(2) by redesignating subsection (g) as subsection (f).

SEC. 309. TECHNICAL ASSISTANCE, TRAINING, AND COMPLIANCE REVIEWS.

(a) **IN GENERAL.**—Section 2609A(a) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8628a(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “\$250,000” and inserting “\$300,000”;

(2) by striking “Secretary—” and all that follows through “(1) to make” and inserting the following: “Secretary—

“(1) to—

“(A) make”;

(3) by striking “organizations; or” and all that follows through “(2) to enter” and inserting the following: “organizations; or

“(B) enter”;

(4) by striking the following: “to provide” and inserting the following: “to provide”;

(5) by striking “title.” and inserting the following: “title; or

“(2) to conduct onsite compliance reviews of programs supported under this title.”; and

(6) in paragraph (1)(B) (as redesignated in paragraphs (2) and (3))—

(A) by inserting “or interagency agreements” after “cooperative arrangements”;

(B) by inserting “(including Federal agencies)” after “public agencies”.

(b) **CONFORMING AMENDMENT.**—The section heading of section 2609A of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8628a) is amended to read as follows:

“TECHNICAL ASSISTANCE, TRAINING, AND COMPLIANCE REVIEWS”.

TITLE IV—ASSETS FOR INDEPENDENCE

SEC. 401. SHORT TITLE.

This title may be cited as the “Assets for Independence Act”.

SEC. 402. FINDINGS.

Congress makes the following findings:

(1) Economic well-being does not come solely from income, spending, and consumption, but also requires savings, investment, and accumulation of assets because assets can improve economic independence and stability, connect individuals with a viable and hopeful future, stimulate development of human and other capital, and enhance the welfare of offspring.

(2) Fully ½ of all Americans have either no, negligible, or negative assets available for investment, just as the price of entry to the economic mainstream, the cost of a house, an adequate education, and starting a business, is increasing. Further, the household savings rate of the United States lags far behind other industrial nations, presenting a barrier to economic growth.

(3) In the current tight fiscal environment, the United States should invest existing resources in high-yield initiatives. There is reason to believe that the financial returns, including increased income, tax revenue, and decreased welfare cash assistance, resulting from individual development accounts will far exceed the cost of investment in those accounts.

(4) Traditional public assistance programs concentrating on income and consumption have rarely been successful in promoting and supporting the transition to increased economic self-sufficiency. Income-based domestic policy should be complemented with asset-based policy because, while income-based policies ensure that consumption needs (including food, child care, rent, clothing, and health care) are met, asset-based policies provide the means to achieve greater independence and economic well-being.

SEC. 403. PURPOSES.

The purposes of this title are to provide for the establishment of demonstration projects designed to determine—

(1) the social, civic, psychological, and economic effects of providing to individuals and families with limited means an incentive to accumulate assets by saving a portion of their earned income;

(2) the extent to which an asset-based policy that promotes saving for postsecondary education, homeownership, and microenterprise development may be used to enable individuals and families with limited means to increase their economic self-sufficiency; and

(3) the extent to which an asset-based policy stabilizes and improves families and the community in which the families live.

SEC. 404. DEFINITIONS.

In this title:

(1) **APPLICABLE PERIOD.**—The term “applicable period” means, with respect to amounts to be paid from a grant made for a project year, the calendar year immediately preceding the calendar year in which the grant is made.

(2) **ELIGIBLE INDIVIDUAL.**—The term “eligible individual” means an individual who is selected to participate in a demonstration project by a qualified entity under section 409.

(3) **EMERGENCY WITHDRAWAL.**—The term “emergency withdrawal” means a withdrawal by an eligible individual that—

(A) is a withdrawal of only those funds, or a portion of those funds, deposited by the individual in the individual development account of the individual;

(B) is permitted by a qualified entity on a case-by-case basis; and

(C) is made for—

(i) expenses for medical care or necessary to obtain medical care, for the individual or a spouse or dependent of the individual described in paragraph (8)(D);

(ii) payments necessary to prevent the eviction of the individual from the residence of the individual, or foreclosure on the mortgage for the principal residence of the individual, as defined in paragraph (8)(B); or

(iii) payments necessary to enable the individual to meet necessary living expenses following loss of employment.

(4) HOUSEHOLD.—The term “household” means all individuals who share use of a dwelling unit as primary quarters for living and eating separate from other individuals.

(5) INDIVIDUAL DEVELOPMENT ACCOUNT.—

(A) IN GENERAL.—The term “individual development account” means a trust created or organized in the United States exclusively for the purpose of paying the qualified expenses of an eligible individual, or enabling the eligible individual to make an emergency withdrawal, but only if the written governing instrument creating the trust contains the following requirements:

(i) No contribution will be accepted unless the contribution is in cash or by check.

(ii) The trustee is a federally insured financial institution, or a State insured financial institution if no federally insured financial institution is available.

(iii) The assets of the trust will be invested in accordance with the direction of the eligible individual after consultation with the qualified entity providing deposits for the individual under section 410.

(iv) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

(v) Except as provided in clause (vi), any amount in the trust that is attributable to a deposit provided under section 410 may be paid or distributed out of the trust only for the purpose of paying the qualified expenses of the eligible individual, or enabling the eligible individual to make an emergency withdrawal.

(vi) Any balance in the trust on the day after the date on which the individual for whose benefit the trust is established dies shall be distributed within 30 days of that date as directed by that individual to another individual development account established for the benefit of an eligible individual.

(B) CUSTODIAL ACCOUNTS.—For purposes of subparagraph (A), a custodial account shall be treated as a trust if the assets of the custodial account are held by a bank (as defined in section 408(m) of the Internal Revenue Code of 1986) or another person who demonstrates, to the satisfaction of the Secretary, that the manner in which such person will administer the custodial account will be consistent with the requirements of this title, and if the custodial account would, except for the fact that it is not a trust, constitute an individual development account described in subparagraph (A). For purposes of this title, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of that custodial account shall be treated as the trustee of the account.

(6) PROJECT YEAR.—The term “project year” means, with respect to a demonstration project, any of the 5 consecutive 12-month periods beginning on the date the project is originally authorized to be conducted.

(7) QUALIFIED ENTITY.—

(A) IN GENERAL.—The term “qualified entity” means—

(i) one or more not-for-profit organizations described in section 501(c)(3) of the Internal

Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

(ii) a State or local government agency, or a tribal government, submitting an application under section 405 jointly with an organization described in clause (i).

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing an organization described in subparagraph (A)(i) from collaborating with a financial institution or for-profit community development corporation to carry out the purposes of this title.

(8) QUALIFIED EXPENSES.—The term “qualified expenses” means one or more of the following, as provided by a qualified entity:

(A) POSTSECONDARY EDUCATIONAL EXPENSES.—Postsecondary educational expenses paid from an individual development account directly to an eligible educational institution. In this subparagraph:

(i) POSTSECONDARY EDUCATIONAL EXPENSES.—The term “postsecondary educational expenses” means the following:

(I) TUITION AND FEES.—Tuition and fees required for the enrollment or attendance of a student at an eligible educational institution.

(II) FEES, BOOKS, SUPPLIES, AND EQUIPMENT.—Fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution.

(ii) ELIGIBLE EDUCATIONAL INSTITUTION.—The term “eligible educational institution” means the following:

(I) INSTITUTION OF HIGHER EDUCATION.—An institution described in section 101 or 102 of the Higher Education Act of 1965.

(II) POSTSECONDARY VOCATIONAL EDUCATION SCHOOL.—An area vocational education school (as defined in subparagraph (C) or (D) of section 521(4) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(4))) which is in any State (as defined in section 521(33) of such Act), as such sections are in effect on the date of enactment of this title.

(B) FIRST-HOME PURCHASE.—Qualified acquisition costs with respect to a principal residence for a qualified first-time homebuyer, if paid from an individual development account directly to the persons to whom the amounts are due. In this subparagraph:

(i) PRINCIPAL RESIDENCE.—The term “principal residence” means a main residence, the qualified acquisition costs of which do not exceed 100 percent of the average area purchase price applicable to such residence.

(ii) QUALIFIED ACQUISITION COSTS.—The term “qualified acquisition costs” means the costs of acquiring, constructing, or reconstructing a residence. The term includes any usual or reasonable settlement, financing, or other closing costs.

(iii) QUALIFIED FIRST-TIME HOMEBUYER.—

(I) IN GENERAL.—The term “qualified first-time homebuyer” means an individual participating in the project involved (and, if married, the individual’s spouse) who has no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principal residence to which this subparagraph applies.

(II) DATE OF ACQUISITION.—The term “date of acquisition” means the date on which a binding contract to acquire, construct, or reconstruct the principal residence to which this subparagraph applies is entered into.

(C) BUSINESS CAPITALIZATION.—Amounts paid from an individual development account directly to a business capitalization account that is established in a federally insured financial institution (or in a State insured financial institution if no federally insured financial institution is available) and is restricted to use solely for qualified business capitalization expenses. In this subparagraph:

(i) QUALIFIED BUSINESS CAPITALIZATION EXPENSES.—The term “qualified business capitalization expenses” means qualified expenditures for the capitalization of a qualified business pursuant to a qualified plan.

(ii) QUALIFIED EXPENDITURES.—The term “qualified expenditures” means expenditures included in a qualified plan, including capital, plant, equipment, working capital, and inventory expenses.

(iii) QUALIFIED BUSINESS.—The term “qualified business” means any business that does not contravene any law or public policy (as determined by the Secretary).

(iv) QUALIFIED PLAN.—The term “qualified plan” means a business plan, or a plan to use a business asset purchased, which—

(I) is approved by a financial institution, a microenterprise development organization, or a nonprofit loan fund having demonstrated fiduciary integrity;

(II) includes a description of services or goods to be sold, a marketing plan, and projected financial statements; and

(III) may require the eligible individual to obtain the assistance of an experienced entrepreneurial adviser.

(D) TRANSFERS TO IDAS OF FAMILY MEMBERS.—Amounts paid from an individual development account directly into another such account established for the benefit of an eligible individual who is—

(i) the individual’s spouse; or

(ii) any dependent of the individual with respect to whom the individual is allowed a deduction under section 151 of the Internal Revenue Code of 1986.

(9) QUALIFIED SAVINGS OF THE INDIVIDUAL FOR THE PERIOD.—The term “qualified savings of the individual for the period” means the aggregate of the amounts contributed by an individual to the individual development account of the individual during the period.

(10) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services, acting through the Director of Community Services.

(11) TRIBAL GOVERNMENT.—The term “tribal government” means a tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) or a Native Hawaiian organization, as defined in section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).

SEC. 405. APPLICATIONS.

(a) ANNOUNCEMENT OF DEMONSTRATION PROJECTS.—Not later than 3 months after the date of enactment of this title, the Secretary shall publicly announce the availability of funding under this title for demonstration projects and shall ensure that applications to conduct the demonstration projects are widely available to qualified entities.

(b) SUBMISSION.—Not later than 6 months after the date of enactment of this title, a qualified entity may submit to the Secretary an application to conduct a demonstration project under this title.

(c) CRITERIA.—In considering whether to approve an application to conduct a demonstration project under this title, the Secretary shall assess the following:

(1) SUFFICIENCY OF PROJECT.—The degree to which the project described in the application appears likely to aid project participants in achieving economic self-sufficiency through activities requiring one or more qualified expenses.

(2) ADMINISTRATIVE ABILITY.—The experience and ability of the applicant to responsibly administer the project.

(3) ABILITY TO ASSIST PARTICIPANTS.—The experience and ability of the applicant in recruiting, educating, and assisting project participants to increase their economic independence and general well-being through the development of assets.

(4) **COMMITMENT OF NON-FEDERAL FUNDS.**—The aggregate amount of direct funds from non-Federal public sector and from private sources that are formally committed to the project as matching contributions.

(5) **ADEQUACY OF PLAN FOR PROVIDING INFORMATION FOR EVALUATION.**—The adequacy of the plan for providing information relevant to an evaluation of the project.

(6) **OTHER FACTORS.**—Such other factors relevant to the purposes of this title as the Secretary may specify.

(d) **PREFERENCES.**—In considering an application to conduct a demonstration project under this title, the Secretary shall give preference to an application that—

(1) demonstrates the willingness and ability to select individuals described in section 408 who are predominantly from households in which a child (or children) is living with the child's biological or adoptive mother or father, or with the child's legal guardian;

(2) provides a commitment of non-Federal funds with a proportionately greater amount of such funds committed from private sector sources; and

(3) targets such individuals residing within one or more relatively well-defined neighborhoods or communities (including rural communities) that experience high rates of poverty or unemployment.

(e) **APPROVAL.**—Not later than 9 months after the date of enactment of this title, the Secretary shall, on a competitive basis, approve such applications to conduct demonstration projects under this title as the Secretary considers to be appropriate, taking into account the assessments required by subsections (c) and (d). The Secretary shall ensure, to the maximum extent practicable, that the applications that are approved involve a range of communities (both rural and urban) and diverse populations.

(f) **CONTRACTS WITH NONPROFIT ENTITIES.**—The Secretary may contract with an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code to carry out any responsibility of the Secretary under this section or section 412 if—

(1) such entity demonstrates the ability to carry out such responsibility; and

(2) the Secretary can demonstrate that such responsibility would not be carried out by the Secretary at a lower cost.

(g) **GRANDFATHERING OF EXISTING STATEWIDE PROGRAMS.**—Any statewide individual asset-building program that is carried out in a manner consistent with the purposes of this title, that is established under State law as of the date of enactment of this Act, and that as of such date is operating with an annual State appropriation of not less than \$1,000,000 in non-Federal funds, shall be deemed to meet the eligibility requirements of this subtitle, and the entity carrying out the program shall be deemed to be a qualified entity. The Secretary shall consider funding the statewide program as a demonstration project described in this subtitle. In considering the statewide program for funding, the Secretary shall review an application submitted by the entity carrying out such statewide program under this section, notwithstanding the preference requirements listed in subsection (d). Any program requirements under sections 407 through 411 that are inconsistent with State statutory requirements in effect on the date of enactment of this Act, governing such statewide program, shall not apply to the program.

SEC. 406. DEMONSTRATION AUTHORITY; ANNUAL GRANTS.

(a) **DEMONSTRATION AUTHORITY.**—If the Secretary approves an application to conduct a demonstration project under this title, the Secretary shall, not later than 10 months after the date of enactment of this title, au-

thorize the applicant to conduct the project for 5 project years in accordance with the approved application and the requirements of this title.

(b) **GRANT AUTHORITY.**—For each project year of a demonstration project conducted under this title, the Secretary may make a grant to the qualified entity authorized to conduct the project. In making such a grant, the Secretary shall make the grant on the first day of the project year in an amount not to exceed the lesser of—

(1) the aggregate amount of funds committed as matching contributions from non-Federal public or private sector sources; or

(2) \$1,000,000.

SEC. 407. RESERVE FUND.

(a) **ESTABLISHMENT.**—A qualified entity under this title, other than a State or local government agency or a tribal government, shall establish a Reserve Fund that shall be maintained in accordance with this section.

(b) **AMOUNTS IN RESERVE FUND.**—

(1) **IN GENERAL.**—As soon after receipt as is practicable, a qualified entity shall deposit in the Reserve Fund established under subsection (a)—

(A) all funds provided to the qualified entity from any public or private source in connection with the demonstration project; and

(B) the proceeds from any investment made under subsection (c)(2).

(2) **UNIFORM ACCOUNTING REGULATIONS.**—The Secretary shall prescribe regulations with respect to accounting for amounts in the Reserve Fund established under subsection (a).

(c) **USE OF AMOUNTS IN THE RESERVE FUND.**—

(1) **IN GENERAL.**—A qualified entity shall use the amounts in the Reserve Fund established under subsection (a) to—

(A) assist participants in the demonstration project in obtaining the skills (including economic literacy, budgeting, credit, and counseling skills) and information necessary to achieve economic self-sufficiency through activities requiring qualified expenses;

(B) provide deposits in accordance with section 410 for individuals selected by the qualified entity to participate in the demonstration project;

(C) administer the demonstration project; and

(D) provide the research organization evaluating the demonstration project under section 414 with such information with respect to the demonstration project as may be required for the evaluation.

(2) **AUTHORITY TO INVEST FUNDS.**—

(A) **GUIDELINES.**—The Secretary shall establish guidelines for investing amounts in the Reserve Fund established under subsection (a) in a manner that provides an appropriate balance between return, liquidity, and risk.

(B) **INVESTMENT.**—A qualified entity shall invest the amounts in its Reserve Fund that are not immediately needed to carry out the provisions of paragraph (1), in accordance with the guidelines established under subparagraph (A).

(3) **LIMITATION ON USES.**—Not more than 9.5 percent of the amounts provided to a qualified entity under section 406(b) shall be used by the qualified entity for the purposes described in subparagraphs (A), (C), and (D) of paragraph (1), of which not less than 2 percent of the amounts shall be used by the qualified entity for the purposes described in paragraph (1)(D). If two or more qualified entities are jointly administering a project, no qualified entity shall use more than its proportional share for the purposes described in subparagraphs (A), (C), and (D) of paragraph (1).

(d) **UNUSED FEDERAL GRANT FUNDS TRANSFERRED TO THE SECRETARY WHEN PROJECT**

TERMINATES.—Notwithstanding subsection (c), upon the termination of any demonstration project authorized under this section, the qualified entity conducting the project shall transfer to the Secretary an amount equal to—

(1) the amounts in its Reserve Fund at the time of the termination; multiplied by

(2) a percentage equal to—

(A) the aggregate amount of grants made to the qualified entity under section 406(b); divided by

(B) the aggregate amount of all funds provided to the qualified entity from all sources to conduct the project.

SEC. 408. ELIGIBILITY FOR PARTICIPATION.

(a) **IN GENERAL.**—Any individual who is a member of a household that is eligible for assistance under the State temporary assistance for needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or that meets each of the following requirements shall be eligible to participate in a demonstration project conducted under this title:

(1) **INCOME TEST.**—The adjusted gross income of the household does not exceed the earned income amount described in section 32 of the Internal Revenue Code of 1986 (taking into account the size of the household).

(2) **NET WORTH TEST.**—

(A) **IN GENERAL.**—The net worth of the household, as of the end of the calendar year preceding the determination of eligibility, does not exceed \$10,000.

(B) **DETERMINATION OF NET WORTH.**—For purposes of subparagraph (A), the net worth of a household is the amount equal to—

(i) the aggregate market value of all assets that are owned in whole or in part by any member of the household; minus

(ii) the obligations or debts of any member of the household.

(C) **EXCLUSIONS.**—For purposes of determining the net worth of a household, a household's assets shall not be considered to include the primary dwelling unit and one motor vehicle owned by a member of the household.

(b) **INDIVIDUALS UNABLE TO COMPLETE THE PROJECT.**—The Secretary shall establish such regulations as are necessary to ensure compliance with this title if an individual participating in the demonstration project moves from the community in which the project is conducted or is otherwise unable to continue participating in that project, including regulations prohibiting future eligibility to participate in any other demonstration project conducted under this title.

SEC. 409. SELECTION OF INDIVIDUALS TO PARTICIPATE.

From among the individuals eligible to participate in a demonstration project conducted under this title, each qualified entity shall select the individuals—

(1) that the qualified entity determines to be best suited to participate; and

(2) to whom the qualified entity will provide deposits in accordance with section 410.

SEC. 410. DEPOSITS BY QUALIFIED ENTITIES.

(a) **IN GENERAL.**—Not less than once every 3 months during each project year, each qualified entity under this title shall deposit in the individual development account of each individual participating in the project, or into a parallel account maintained by the qualified entity—

(1) from the non-Federal funds described in section 405(c)(4), a matching contribution of not less than \$0.50 and not more than \$4 for every \$1 of earned income (as defined in section 911(d)(2) of the Internal Revenue Code of 1986) deposited in the account by a project participant during that period;

(2) from the grant made under section 406(b), an amount equal to the matching contribution made under paragraph (1); and

(3) any interest that has accrued on amounts deposited under paragraph (1) or (2) on behalf of that individual into the individual development account of the individual or into a parallel account maintained by the qualified entity.

(b) **LIMITATION ON DEPOSITS FOR AN INDIVIDUAL.**—Not more than \$2,000 from a grant made under section 406(b) shall be provided to any one individual over the course of the demonstration project.

(c) **LIMITATION ON DEPOSITS FOR A HOUSEHOLD.**—Not more than \$4,000 from a grant made under section 406(b) shall be provided to any one household over the course of the demonstration project.

(d) **WITHDRAWAL OF FUNDS.**—The Secretary shall establish such guidelines as may be necessary to ensure that funds held in an individual development account are not withdrawn, except for one or more qualified expenses, or for an emergency withdrawal. Such guidelines shall include a requirement that a responsible official of the qualified entity conducting a project approve a withdrawal from such an account in writing. The guidelines shall provide that no individual may withdraw funds from an individual development account earlier than 6 months after the date on which the individual first deposits funds in the account.

(e) **REIMBURSEMENT.**—An individual shall reimburse an individual development account for any funds withdrawn from the account for an emergency withdrawal, not later than 12 months after the date of the withdrawal. If the individual fails to make the reimbursement, the qualified entity administering the account shall transfer the funds deposited into the account or a parallel account under this section to the Reserve Fund of the qualified entity, and use the funds to benefit other individuals participating in the demonstration project involved.

SEC. 411. LOCAL CONTROL OVER DEMONSTRATION PROJECTS.

A qualified entity under this title, other than a State or local government agency or a tribal government, shall, subject to the provisions of section 413, have sole authority over the administration of the project. The Secretary may prescribe only such regulations or guidelines with respect to demonstration projects conducted under this title as are necessary to ensure compliance with the approved applications and the requirements of this title.

SEC. 412. ANNUAL PROGRESS REPORTS.

(a) **IN GENERAL.**—Each qualified entity under this title shall prepare an annual report on the progress of the demonstration project. Each report shall include both program and participant information and shall specify for the period covered by the report the following information:

(1) The number and characteristics of individuals making a deposit into an individual development account.

(2) The amounts in the Reserve Fund established with respect to the project.

(3) The amounts deposited in the individual development accounts.

(4) The amounts withdrawn from the individual development accounts and the purposes for which such amounts were withdrawn.

(5) The balances remaining in the individual development accounts.

(6) The savings account characteristics (such as threshold amounts and match rates) required to stimulate participation in the demonstration project, and how such characteristics vary among different populations or communities.

(7) What service configurations of the qualified entity (such as configurations relating to peer support, structured planning

exercises, mentoring, and case management) increased the rate and consistency of participation in the demonstration project and how such configurations varied among different populations or communities.

(8) Such other information as the Secretary may require to evaluate the demonstration project.

(b) **SUBMISSION OF REPORTS.**—The qualified entity shall submit each report required to be prepared under subsection (a) to—

(1) the Secretary; and

(2) the Treasurer (or equivalent official) of the State in which the project is conducted, if the State or a local government or a tribal government committed funds to the demonstration project.

(c) **TIMING.**—The first report required by subsection (a) shall be submitted not later than 60 days after the end of the calendar year in which the Secretary authorized the qualified entity to conduct the demonstration project, and subsequent reports shall be submitted every 12 months thereafter, until the conclusion of the project.

SEC. 413. SANCTIONS.

(a) **AUTHORITY TO TERMINATE DEMONSTRATION PROJECT.**—If the Secretary determines that a qualified entity under this title is not operating a demonstration project in accordance with the entity's approved application under section 405 or the requirements of this title (and has not implemented any corrective recommendations directed by the Secretary), the Secretary shall terminate such entity's authority to conduct the demonstration project.

(b) **ACTIONS REQUIRED UPON TERMINATION.**—If the Secretary terminates the authority to conduct a demonstration project, the Secretary—

(1) shall suspend the demonstration project;

(2) shall take control of the Reserve Fund established pursuant to section 407;

(3) shall make every effort to identify another qualified entity (or entities) willing and able to conduct the project in accordance with the approved application (or, if modification is necessary to incorporate the recommendations, the application as modified) and the requirements of this title;

(4) shall, if the Secretary identifies an entity (or entities) described in paragraph (3)—

(A) authorize the entity (or entities) to conduct the project in accordance with the approved application (or, if modification is necessary to incorporate the recommendations, the application as modified) and the requirements of this title;

(B) transfer to the entity (or entities) control over the Reserve Fund established pursuant to section 407; and

(C) consider, for purposes of this title—

(i) such other entity (or entities) to be the qualified entity (or entities) originally authorized to conduct the demonstration project; and

(ii) the date of such authorization to be the date of the original authorization; and

(5) if, by the end of the 1-year period beginning on the date of the termination, the Secretary has not found a qualified entity (or entities) described in paragraph (3), shall—

(A) terminate the project; and

(B) from the amount remaining in the Reserve Fund established as part of the project, remit to each source that provided funds under section 405(c)(4) to the entity originally authorized to conduct the project, an amount that bears the same ratio to the amount so remaining as the amount provided from the source under section 405(c)(4) bears to the amount provided from all such sources under that section.

SEC. 414. EVALUATIONS.

(a) **IN GENERAL.**—Not later than 10 months after the date of enactment of this title, the

Secretary shall enter into a contract with an independent research organization to evaluate the demonstration projects conducted under this title, individually and as a group, including evaluating all qualified entities participating in and sources providing funds for the demonstration projects conducted under this title.

(b) **FACTORS TO EVALUATE.**—In evaluating any demonstration project conducted under this title, the research organization shall address the following factors:

(1) The effects of incentives and organizational or institutional support on savings behavior in the demonstration project.

(2) The savings rates of individuals in the demonstration project based on demographic characteristics including gender, age, family size, race or ethnic background, and income.

(3) The economic, civic, psychological, and social effects of asset accumulation, and how such effects vary among different populations or communities.

(4) The effects of individual development accounts on savings rates, homeownership, level of postsecondary education attained, and self-employment, and how such effects vary among different populations or communities.

(5) The potential financial returns to the Federal Government and to other public sector and private sector investors in individual development accounts over a 5-year and 10-year period of time.

(6) The lessons to be learned from the demonstration projects conducted under this title and if a permanent program of individual development accounts should be established.

(7) Such other factors as may be prescribed by the Secretary.

(c) **METHODOLOGICAL REQUIREMENTS.**—In evaluating any demonstration project conducted under this title, the research organization shall—

(1) for at least one site, use control groups to compare participants with nonparticipants;

(2) before, during, and after the project, obtain such quantitative data as are necessary to evaluate the project thoroughly; and

(3) develop a qualitative assessment, derived from sources such as in-depth interviews, of how asset accumulation affects individuals and families.

(d) **REPORTS BY THE SECRETARY.**—

(1) **INTERIM REPORTS.**—Not later than 90 days after the end of the calendar year in which the Secretary first authorizes a qualified entity to conduct a demonstration project under this title, and every 12 months thereafter until all demonstration projects conducted under this title are completed, the Secretary shall submit to Congress an interim report setting forth the results of the reports submitted pursuant to section 412(b).

(2) **FINAL REPORTS.**—Not later than 12 months after the conclusion of all demonstration projects conducted under this title, the Secretary shall submit to Congress a final report setting forth the results and findings of all reports and evaluations conducted pursuant to this title.

(e) **EVALUATION EXPENSES.**—The Secretary shall expend 2 percent of the amount appropriated under section 416 for a fiscal year, to carry out the objectives of this section.

SEC. 415. TREATMENT OF FUNDS.

Of the funds deposited in individual development accounts for eligible individuals, only the funds deposited by the individuals (including interest accruing on those funds) may be considered to be the income, assets, or resources of the individuals, for purposes of determining eligibility for, or the amount of assistance furnished under, any Federal or federally assisted program based on need.

SEC. 416. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title, \$25,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003, to remain available until expended.

And the House agree to the same.

BILL GOODLING,
MIKE CASTLE,
MARK SOUDER,
BILL CLAY,
MATTHEW G. MARTINEZ,

Managers on the Part of the House.

JIM JEFFORDS,
DAN COATS,
JUDD GREGG,
TED KENNEDY,
CHRIS DODD,

Managers on the Part of the Senate.

The SPEAKER pro tempore, Mr. BLUNT, recognized Mr. GOODLING and Mr. CLAY, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said conference report?

The SPEAKER pro tempore, Mr. BLUNT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said conference report was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶105.57 POTOMAC HIGHLANDS AIRPORT AUTHORITY COMPACT

Mr. LEACH moved to suspend the rules and pass the joint resolution of the Senate (S.J. Res. 51) granting the consent of Congress to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia.

The SPEAKER pro tempore, Mr. BLUNT, recognized Mr. LEACH and Mr. NADLER, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Mr. BLUNT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶105.58 DEPOSITORY STREAMLINING

Mrs. ROUKEMA moved to suspend the rules and pass the bill (H.R. 4364) to streamline the regulation of depository institutions, to safeguard confidential banking and credit union supervisory information, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BLUNT, recognized Mrs. ROUKEMA and Mr. LAFALCE, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUNT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶105.59 FAIR CREDIT REPORTING

Mr. LEACH moved to suspend the rules and pass the bill of the Senate (S. 2561) to amend the Fair Credit Reporting Act with respect to furnishing and using consumer reports for employment purposes.

The SPEAKER pro tempore, Mr. BLUNT, recognized Mr. LEACH and Mr. LAFALCE, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUNT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶105.60 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 744. An Act to authorize the construction of the Fall River Water Users District Rural Water System and authorize financial assistance to the Fall River Water Users District, a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes; to the Committee on Resources.

S. 736. An Act to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District; to the Committee on Resources.

S. 1175. An Act to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission for 10 additional years; to the Committee on Resources.

S. 1637. An Act to expedite State review of criminal records of applicants for bail enforcement officer employment, and for other purposes; to the Committee on Judiciary.

S. 1641. An Act to direct the Secretary of the Interior to study alternatives for establishing a national historic trail to commemorate and interpret the history of wom-

en's rights in the United States; to the Committee on Resources.

S. 2041. An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Willow Lake Natural Treatment System Project for the reclamation and reuse of water, and for other purposes; to the Committee on Resources.

S. 2086. An Act to revise the boundaries of the George Washington Birthplace National Monument; to the Committee on Resources.

S. 2117. An Act to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes; to the Committee on Resources.

S. 2140. An Act to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project; to the Committee on Resources.

S. 2142. An Act to authorize the Secretary of the Interior to convey the facilities of the Pine River Project, to allow jurisdictional transfer of lands between the Department of Agriculture, Forest Service, and the Department of the Interior, Bureau of Reclamation, and the Bureau of Indian Affairs; and for other purposes; to the Committee on Resources.

S. 2235. An Act to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers; to the Committee on the Judiciary and Education and the Workforce.

S. 2239. An Act to revise the boundary of Fort Matanzas National Monument, and for other purposes; to the Committee on Resources.

S. 2240. An Act to establish the Adams National Historical Park in the Commonwealth of Massachusetts, and for other purposes; to the Committee on Resources.

S. 2241. An Act to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes; to the Committee on Resources.

S. 2246. An Act to amend the Act which established the Frederick Law Olmsted National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary, and for other purposes; to the Committee on Resources.

S. 2247. An Act to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, and for other purposes; to the Committee on Government Reform and Oversight.

S. 2248. An Act to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision, when required by State law, and for other purposes; to the Committee on Resources.

S. 2284. An Act to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes; to the Committee on Resources and National Security.

S. 2285. An Act to establish a commission, in honor of the 150th Anniversary of the Seneca Falls Convention, to further protect sites of importance in the historic efforts to secure equal rights for women, to the Committee on Resources.

S. 2309. An Act to authorize the Secretary of the Interior to enter into an agreement for the construction and operation of the Gateway Visitor Center at Independence Na-

tional Historical Park; to the Committee on Resources.

S. 2468. An Act to designate the Biscayne National Park Visitor Center as the Dante Fascell Visitor Center; to the Committee on Resources.

S. 2584. An Act to provide aviator continuation pay for military members killed in Operation Desert Shield; to the Committee on National Security.

¶105.61 BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 449. To provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

H.R. 930. To require Federal employees to use Federal travel charge cards for all payments of expenses of official Government travel, to amend title 31, United States Code, to establish requirements for prepayment audits of Federal agency transportation expenses, to authorize reimbursement of Federal agency employees for taxes incurred on travel or transportation reimbursements, and to authorize test programs for the payment of Federal employee travel expenses and relocation expenses.

H.R. 1481. To amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study.

H.R. 1836. To amend chapter 89 of title 5, United States Code, to improve administration of sanctions against unfit health care providers under the Federal Employees Health Benefits Program, and for other purposes.

H.R. 3381. To direct the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co, and other entities.

¶105.62 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. YATES, for today after 6 p.m.

And then,

¶105.63 ADJOURNMENT

On motion of Mr. LEACH, at 1 o'clock and 40 minutes a.m., Friday, October 9 (legislative day of Thursday, October 8), 1998, the House adjourned.

¶105.64 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. COBLE: Committee of Conference. Conference report on H.R. 2281. A bill to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty (Rept. No. 105-796). Ordered to be printed.

Mr. HANSEN: Committee on Standards of Official Conduct. Report in the matter of Representative Jay Kim (Rept. No. 105-797). Referred to the House Calendar.

Mr. DREIER: Committee of Rules. House Resolution 584. Resolution further providing for consideration of the bill (H.R. 4274) making appropriations for the Department of Labor, Health and Human Services, and Edu-

cation, and related agencies, for the fiscal year ending September 30, 1999, and for other purposes (Rept. No. 105-798). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 586. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3150) to amend title 11 of the United States Code, and for other purposes (Rept. No. 105-799). Referred to the House Calendar.

Mr. GOODLING: Committee of Conference. Conference report on H.R. 1853. A bill to amend the Carl D. Perkins Vocational and Applied Technology Education Act (Rept. No. 105-800). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 3888. A bill to amend the Communications Act of 1934 to improve the protection of consumers against "slamming" by telecommunications carriers, and for other purposes; with an amendment (Rept. No. 105-801). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 4353. A bill to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977 to improve the competitiveness of American business and promote foreign commerce, and for other purposes (Rept. No. 105-802). Referred to the Committee of the Whole House on the State of the Union.

¶105.65 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. MATSUI (for himself and Mr. NEAL of Massachusetts):

H.R. 4732. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of bonds issued to finance electric output facilities, and for other purposes; to the Committee on Ways and Means.

By Mr. MATSUI (for himself and Mr. BONIOR):

H.R. 4733. A bill to amend the Trade Act of 1974 to consolidate and enhance the trade adjustment assistance and NAFTA transitional adjustment assistance programs under that Act, and for other purposes; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 4734. A bill to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to reduce the local matching amount to ensure more local communities can qualify for a grant to hire additional police officers; to the Committee on the Judiciary.

By Mr. HANSEN:

H.R. 4735. A bill to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996; to the Committee on Resources.

By Mr. BENTSEN (for himself, Mr. CRANE, Mr. GANSKE, Mr. CARDIN, Mr. RANGEL, Mr. STARK, and Mr. JEFFERSON):

H.R. 4736. A bill to amend title XVIII of the Social Security Act to ensure the proper payment of approved nursing and paramedical education programs under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself, Mr. FROST, Mr. GANSKE, Mrs. MCCARTHY of New York, Mr. GILMAN, Mr. CONDIT, Mr. LOBIONDO, and Mrs. MALONEY of New York):

H.R. 4737. A bill to amend the Public Health Service Act, the Employee Retire-

ment Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCHER:

H.R. 4738. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, provide tax relief for farmers and small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. CARDIN (for himself, Mr. STARK, and Mr. JEFFERSON):

H.R. 4739. A bill to amend the Internal Revenue Code of 1986 and title XVIII of the Social Security Act to provide for comprehensive financing for graduate medical education; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE:

H.R. 4740. A bill to amend the Internal Revenue Code of 1986 to permit early distributions from employee stock ownership plans for higher education expenses and first-time homebuyer purchases; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 4741. A bill to amend the Internal Revenue Code of 1986 to permit 401(k) contributions which would otherwise be limited by employer contributions to employee stock ownership plans; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. SANDERS, and Ms. KAPTUR):

H.R. 4742. A bill to improve consumers' access to airline industry information, to promote competition in the aviation industry, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FRANK of Massachusetts (for himself and Mr. NEAL of Massachusetts):

H.R. 4743. A bill to reauthorize the Public Safety and Community Policing Grants, and for other purposes; to the Committee on the Judiciary.

By Mr. GREENWOOD (for himself and Mr. GINGRICH):

H.R. 4744. A bill to amend the Public Health Service Act to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes; to the Committee on Commerce.

By Mr. GUTIERREZ:

H.R. 4745. A bill to establish a program to assist homeowners experiencing unavoidable, temporary difficulty making payments on mortgages insured under the National Housing Act; to the Committee on Banking and Financial Services.

By Mr. HANSEN:

H.R. 4746. A bill to provide for the settlement of the reserved water rights of the Shivwits and for the construction of certain water projects; to the Committee on Resources.

By Mr. MINGE (for himself and Mr. POMEROY):

H.R. 4747. A bill to respond to the needs of United States farmers experiencing exceptionally low commodity prices and extensive crop failures; to the Committee on Agri-

culture, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUINN:

H.R. 4748. A bill to amend title XVIII of the Social Security Act to require 6-months' advance notice to enrollees of Medicare managed care plans of termination of hospital participation under such plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (by request):

H.R. 4749. A bill to approve a governing international fishery agreement between the United States and the Republic of Estonia; to the Committee on Resources.

By Mr. SAXTON (by request):

H.R. 4750. A bill to approve a governing international fishery agreement between the United States and the Republic of Lithuania; to the Committee on Resources.

By Mr. SNYDER (for himself, Mr. EVANS, Mr. KENNEDY of Massachusetts, Mr. ABERCROMBIE, Mr. PETERSON of Minnesota, Ms. CARSON, Mr. MASCARA, Mr. FILNER, Mr. RODRIGUEZ, Ms. SANCHEZ, Mr. JOHNSON of Wisconsin, Mrs. CAPPS, and Mr. MALONEY of Connecticut):

H.R. 4751. A bill to amend title 38, United States Code, to establish a presumption of service connection for the occurrence of hepatitis C in certain veterans; to the Committee on Veterans' Affairs.

By Mr. SOLOMON:

H.R. 4752. A bill to prohibit the construction of any monument, memorial, or other structure at the site of the Iwo Jima Memorial in Arlington, Virginia, until such time as an environmental impact statement is prepared for the construction; to the Committee on Resources.

By Mr. STARK:

H.R. 4753. A bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient prescription drugs and home infusion drug therapy under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON (for himself, Mr. DICKEY, Mr. STUPAK, Mr. PICKERING, and Mr. CALLAHAN):

H.R. 4754. A bill to direct the Secretary of the Interior to conduct a 12-month study of the effects of double-crested cormorants on commercial and recreational fish species, and to require the Secretary to prepare a long-term, comprehensive population management strategy for double-crested cormorants; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 4755. A bill to provide for the collection and interpretation of state of the art, non-intrusive 3-dimensional seismic data on certain federal lands in Alaska, and for other purposes; to the Committee on Resources.

By Mr. SMITH of New Jersey:

H.J. Res. 132. A joint resolution commending the veterans of service in the Army who fought in the Battle of the Bulge during World War II, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GILMAN:

H. Con. Res. 336. Concurrent resolution condemning the Taliban regime and supporting a broad based government in Afghanistan; to the Committee on International Relations.

By Mr. CAMPBELL (for himself and Mr. PAYNE):

H. Con. Res. 337. Concurrent resolution expressing the sense of Congress that the total debt owed by 31 of the 40 Heavily Indebted Poor Countries (HIPC) to the United States should be forgiven; to the Committee on Banking and Financial Services.

By Mr. CAMPBELL:

H. Con. Res. 338. Concurrent resolution expressing the sense of the Congress that the people of Taiwan deserve to be represented in international institutions; to the Committee on International Relations.

By Mr. CAMPBELL (for himself and Mr. PAYNE):

H. Con. Res. 339. Concurrent resolution concerning economic, humanitarian, and other assistance to the northern part of Somalia; to the Committee on International Relations.

By Mr. DELAY (for himself, Mr. ROHR-ABACHER, Mr. HEFLEY, Mr. WELDON of Pennsylvania, Mr. FORBES, Mr. BACHUS, Mr. ADERHOLT, Mr. GIBBONS, Mr. TALENT, Mr. SESSIONS, Mr. WATTS of Oklahoma, Mr. MILLER of Florida, Mr. HAYWORTH, Mr. CRANE, Mr. SALMON, Mr. JENKINS, and Mr. PETERSON of Pennsylvania):

H. Con. Res. 340. Concurrent resolution expressing the sense of the Congress that Iraq is in unacceptable and material breach of its international obligations, that the United States should insist on the removal, destruction, or otherwise rendering harmless of Iraq's programs for biological, chemical, and nuclear weapons, and that the United States should fully support the right of inspectors with the United Nations Special Commission on Iraq to unfettered and unannounced inspections of suspected weapons facilities; to the Committee on International Relations.

By Mr. DELAY (for himself, Mr. ROHR-ABACHER, Mr. HEFLEY, Mr. WELDON of Pennsylvania, Mr. FORBES, Mr. BACHUS, Mr. ADERHOLT, Mr. GIBBONS, Mr. TALENT, Mr. SESSIONS, Mr. WATTS of Oklahoma, Mr. MILLER of Florida, Mr. HAYWORTH, and Mr. KNOLLENBERG):

H. Con. Res. 341. Concurrent resolution expressing the sense of the Congress that the commitment made by the United States, in conjunction with South Korea and Japan, to arrange financing and construction of 2 nuclear reactors for North Korea, and to provide fuel oil and other assistance to North Korea, should be suspended until North Korea no longer poses a nuclear threat to the peace and security of Northeast Asia or the United States; to the Committee on International Relations.

By Mr. DELAY (for himself, Mr. ROHR-ABACHER, Mr. HEFLEY, Mr. WELDON of Pennsylvania, Mr. FORBES, Mr. BACHUS, Mr. ADERHOLT, Mr. GIBBONS, Mr. TALENT, Mr. SESSIONS, Mr. WATTS of Oklahoma, Mr. MILLER of Florida, Mr. HAYWORTH, and Mr. CRANE):

H. Con. Res. 342. Concurrent resolution expressing the sense of the Congress that the United States should impose sanctions under the Arms Export Control Act and the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of advanced missile technology from other countries and should take steps to expedite the development of a missile defense system for the United States and for United States forces wherever deployed to deal with the Iranian missile threat, and should assist Israel in the acquisition of a missile defense system capable of defending all Israeli territory against Iranian missile attack; referred to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. FOWLER (for herself, Mr. SPENCE, Mr. CUNNINGHAM, Mr. ROHR-ABACHER, Mr. SAM JOHNSON of Texas, Mr. HEFLEY, Mr. GOODLING, Mr. SMITH of Texas, Mr. DELAY, Mr. LIN- DER, Mr. RILEY, Mr. McKEON, Mr. LEWIS of California, Mr. SOLOMON, Mr. MANZULLO, Mr. COBURN, Mr. BOB SCHAFFER, Mr. MCINTOSH, Mr. GRAHAM, Mr. JENKINS, Mr. NEUMANN, Mr. SUNUNU, Mr. OXLEY, Mr. MCCOL- LUM, Mr. HOBSON, Mr. BEREUTER, Mr. TAUZIN, Mr. BILIRAKIS, Mr. TRAFI- CANT, Mr. REDMOND, Mrs. CUBIN, Ms. DUNN of Washington, Mr. HERGER, Mr. MCINNIS, Mr. LARGENT, Mr. FOLEY, Mr. SAXTON, Mr. JONES, Mr. MCCRERY, Mr. BAKER, Mr. HAYWORTH, Mr. COLLINS, Mr. BOEHNER, Mr. NETHERCUTT, Mr. DEAL of Georgia, Mr. WICKER, and Mr. STEARNS):

H. Con. Res. 343. Concurrent resolution expressing the opposition of Congress to any deployment of United States ground forces in Kosovo, a province in southern Serbia, for peacemaking or peacekeeping purposes; to the Committee on International Relations.

By Mr. PALLONE:

H. Con. Res. 344. Concurrent resolution to express the sense of the Congress regarding North Atlantic swordfish and other highly migratory species of fish; to the Committee on Resources.

By Mr. SAXTON (for himself, Mr. SALMON, and Mr. DELAY):

H. Con. Res. 345. Concurrent resolution expressing the sense of the Congress that the President should reassert the traditional opposition of the United States to the unilateral declaration of a Palestinian State; to the Committee on International Relations.

By Mr. SMITH of Oregon (for himself, Mr. BARRETT of Nebraska, Mr. THUNE, and Mr. HILL):

H. Res. 583. A resolution expressing the sense of the House with respect to barriers between the United States and Canada with regard to certain agriculture products; referred to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS (for himself, Mr. BONILLA, Mr. COMBEST, Mr. THORN- BERRY, Mr. SMITH of Texas, Ms. GRANGER, Mr. BRADY of Texas, Mr. BARTON of Texas, and Mr. PAUL):

H. Res. 585. A resolution expressing the sense of the House of Representatives that the Health Care Financing Administration should adhere to the statutory deadlines for implementation of the prospective payment system for home health services furnished under the Medicare Program; referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA (for herself and Ms. KAPTUR):

H. Res. 587. A resolution expressing the sense of the House of Representatives with respect to the seriousness of the national problems associated with mental illness and with respect to congressional intent to establish a mental illness task force; to the Committee on Commerce.

105.66 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mrs. WILSON.
 H.R. 778: Mrs. CAPPS.
 H.R. 779: Mrs. CAPPS.
 H.R. 780: Mrs. CAPPS.
 H.R. 857: Mr. BOSWELL.
 H.R. 1711: Mr. ISTOOK.
 H.R. 1816: Mr. FORBES.
 H.R. 2001: Mr. SCARBOROUGH.
 H.R. 2174: Mr. RANGEL.
 H.R. 2397: Mr. BERRY, Mr. THORNBERRY, Mr. GOODLING, and Mr. HEFNER.
 H.R. 2635: Mr. ADAM SMITH of Washington, Mr. HALL of Ohio, and Mr. BERMAN.
 H.R. 2708: Mr. SMITH of Texas and Mr. NUSSLE.
 H.R. 2882: Mr. SMITH of Texas.
 H.R. 3333: Mr. OLVER.
 H.R. 3435: Mr. ALLEN.
 H.R. 3503: Mr. BLUMENAUER and Mr. PETRI.
 H.R. 3511: Mr. OBERSTAR, Mr. WELDON of Florida, Mr. INGLIS of South Carolina, Mr. HULSHOF, Mrs. MINK of Hawaii, and Mr. STUPAK.
 H.R. 3514: Mr. MASCARA.
 H.R. 3622: Mr. ALLEN, Mr. DOYLE, Mr. ACKERMAN, and Ms. DEGETTE.
 H.R. 3684: Mr. BACHUS.
 H.R. 3794: Ms. MCCARTHY of Missouri, Mr. SANDLIN, Mr. MASCARA, and Mr. TIERNEY.
 H.R. 3828: Mr. ALLEN, Ms. SLAUGHTER, Mr. THOMPSON, Mr. NORWOOD, Mrs. WILSON, Mr. STENHOLM, and Mr. CONDIT.
 H.R. 4031: Mr. DAVIS of Illinois.
 H.R. 4070: Mr. WEXLER.
 H.R. 4175: Ms. KILPATRICK, Mr. WATT of North Carolina, and Ms. SLAUGHTER.
 H.R. 4180: Mr. HINCHEY.
 H.R. 4182: Mr. KANJORSKI and Mr. VIS-CLOSKY.
 H.R. 4203: Mr. PAYNE, Mrs. TAUSCHER, and Mr. BALDACCI.
 H.R. 4214: Mr. OLVER and Mrs. CAPPS.
 H.R. 4291: Ms. DEGETTE, Mr. FROST, and Mrs. THURMAN.
 H.R. 4403: Ms. DELAURO.
 H.R. 4415: Mr. DAN SCHAEFER of Colorado.
 H.R. 4448: Mr. FORD, Mr. HASTINGS of Florida, Mr. McNULTY, Ms. DELAURO, and Mr. GUTIERREZ.
 H.R. 4449: Mr. MORAN of Kansas, Mr. MILLER of California, and Mr. SMITH of Oregon.
 H.R. 4467: Mr. GEJDENSON.
 H.R. 4476: Mr. DOYLE and Mr. RUSH.
 H.R. 4513: Mr. BOEHLERT.
 H.R. 4538: Mrs. CAPPS and Mr. HOLDEN.
 H.R. 4567: Mr. BILIRAKIS, Mr. STUMP, Mrs. NORTHUP, and Mr. SUNUNU.
 H.R. 4590: Ms. KAPTUR and Mr. FORBES.
 H.R. 4621: Mr. BOSWELL.
 H.R. 4634: Mr. PALLONE and Mr. MCGOVERN.
 H.R. 4648: Mr. DELAHUNT and Mr. TIERNEY.
 H.R. 4659: Mr. ENGEL.
 H.R. 4674: Mr. OLVER.
 H.R. 4684: Mr. ENGLISH of Pennsylvania.
 H.R. 4692: Mr. SANDLIN.
 H. Con. Res. 154: Mr. McDERMOTT.
 H. Con. Res. 290: Mr. METCALF, Mr. MASCARA, Mr. BOYD, Mr. GEKAS, Mr. ADAM SMITH of Washington, Mr. MCINTOSH, Mr. BURTON of Indiana, Mr. BUYER, Mr. SHADEGG, and Mr. GIBBONS.
 H. Con. Res. 313: Ms. KILPATRICK.
 H. Con. Res. 328: Mr. KANJORSKI, Mr. SHIMKUS, Ms. CARSON, Mr. ACKERMAN, Mr. HOUGHTON, Mr. SANDERS, Mr. McNULTY, and Mr. PRICE of North Carolina.
 H. Res. 359: Mr. MATSUI, Mr. NEAL of Massachusetts, Mr. WALSH, Mr. WOLF, Mr. SNYDER, and Mr. MEEKS of New York.
 H. Res. 460: Mr. MASCARA.
 H. Res. 479: Mr. TIERNEY.
 H. Res. 561: Mr. GOODLING and Mr. UNDERWOOD.

105.67 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4567: Mr. ALLEN, Mr. STUPAK, and Mr. OBERSTAR.

FRIDAY, OCTOBER 9, 1998 (106)

106.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. EMERSON, who laid before the House the following communication:

WASHINGTON, DC,

October 9, 1998.

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,

Speaker of the House of Representatives.

106.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. EMERSON, announced she had examined and approved the Journal of the proceedings of Thursday, October 8, 1998.

Pursuant to clause 1, rule I, the Journal was approved.

106.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

11590. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Potato Research and Promotion Plan; Suspension of Portions of the Plan; Amendments of the Regulations Regarding Importers' Votes; and Clarification of Reporting Requirements [FV-96-703FR] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11591. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Dried Prunes Produced in California; Increased Assessment Rate [Docket No. FV98-993-2 FR] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11592. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mediterranean Fruit Fly; Removal of Quarantined Areas [Docket No. 97-056-17] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11593. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dimethomorph [(E,Z) 4-[3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)—1-oxo-2-propenyl] morpholine]; Pesticide Tolerance [OPP-300740; FRL-6036-7] (RIN: 2070-AB78) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11594. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hexythiazox; Pesticide Tolerances for Emergency Exemptions [OPP-300720; FRL-6030-3] (RIN: 2070-AB78) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11595. A letter from the Director, Office of Regulatory Management and Information,

Environmental Protection Agency, transmitting the Agency's final rule—Paraquat; Extension of Tolerance for Emergency Exemptions [OPP-300726; FRL-6032-5] (RIN: 2070-AB78) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11596. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyromazine; Extension of Tolerance for Emergency Exemptions [OPP-300741; FRL-6037-1] (RIN: 2070-AB78) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11597. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hexythiazox; Pesticide Tolerance [OPP-300732; FRL-6035-2] (RIN: 2070-AB78) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11598. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Mancozeb; Pesticide Tolerances for Emergency Exemptions [OPP-300714; FRL-6029-5] (RIN: 2070-AB78) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11599. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Withdrawal of Final Rule [MD068-3027; FRL-6174-3] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11600. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NOx RACT Determinations for Individual Sources [PA-4076a; FRL-6166-1] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11601. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Minnesota [MN52-01-7277a; MN53-01-7278a; FRL-6162-1] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11602. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Tennessee; Approval of Revisions to the Nashville/Davidson County Portion of the Tennessee SIP Regarding Control of Volatile Organic Compounds [TN-201-9828a; FRL-6169-6] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11603. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants; Alabama [AL-046-9826a; FRL-6168-4] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11604. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 80 of the Rules Concerning U.S. Coast Guard Vessel Traffic Services (VTS) Systems in New Orleans, Louisiana—received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.