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## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

O God of love, give us a fresh experience of Your love today. Help us to think about how much You love each of us with unqualified acceptance and forgiveness. May the tone and tenor of our words to the people in our lives be an expression of Your love. You have called us to love as You have loved us. May we know when to express not only tough love but also when to be tender in withholding judgment or condemnation. Help us to love those we find it difficult to bear and those who find it a challenge to bear with us. All around us are people with highly polished exteriors that hide their real need for esteem, affirmation, and encouragement from us. Show us practical ways to express love in creative ways. May we lift burdens rather than become one; may we add to people's strength rather than becoming a source of stress. Place on our agendas the particular people to whom You have called us to communicate Your love. And give us that resolve of which great days are made: If no one else does, Lord, I will! Place in our minds loving thoughts and feelings for the people in our lives. Show us caring things we can do to enact what's in our hearts. Direct specific acts of caring You have motivated in our hearts. Don't let us forget, Lord. Give us the will to act, to say what we feel. Through Him who is Your amazing Grace. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MIKE ENZI, a Senator from the State of Wyoming, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from New Hampshire.

### SCHEDULE

Mr. GREGG. Mr. President, on behalf of the leader, this morning Senator LIEBERMAN will be recognized to offer his alternative to S. 2, the Elementary and Secondary Education Act. Debate on this amendment is expected to consume the morning session.

At 12:30 p.m., the Senate will recess until 2:15 p.m. to accommodate the weekly party conference luncheons. When the Senate reconvenes, it will proceed to a vote on the Gregg amendment regarding teacher quality. It is hoped that an agreement regarding the Lieberman amendment can be reached so that votes can be stacked to occur at 2:15 p.m.

Following the disposition of the Lieberman amendment, the next two amendments in order are the Kennedy teacher quality amendment and the Jeffords-Stevens early childhood investment amendment.

Prior to today's adjournment, the Senate is expected to begin consideration of the African trade-CBI conference report.

I thank my colleagues for their attention.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

### EDUCATIONAL OPPORTUNITIES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Pending:

Coverdell (for Lott/Gregg) amendment No. 3126, to improve certain provisions relating to teachers.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized to offer an amendment.

AMENDMENT NO. 3127

Mr. LIEBERMAN. Mr. President, I ask that amendment No. 3127, an amendment in the nature of a substitute to the bill, be called up at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] for himself, Mr. BAYH, Ms. LANDRIEU, Mrs. LINCOLN, Mr. KOHL, Mr. GRAHAM, Mr. ROBB, Mr. BREAU, and Mr. BRYAN, proposes an amendment numbered 3127.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. KENNEDY. Is it necessary to set aside the pending amendment?

The PRESIDING OFFICER. It was done under the previous order.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I am very proud to offer this amendment on behalf of the colleagues who have been mentioned, eight in number, and myself. We have worked for a very long time on the contents of this amendment. We have

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



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spent a lot of time in our home States and elsewhere observing what is happening in our public schools today, and this amendment is a response to what we have seen.

I would roughly categorize that in two ways, which I will describe in a little more detail.

The first is, there remains an unacceptable gap in achievement levels between children in America's public schools who are disadvantaged economically and those who are advantaged, and that is unfair and unacceptable.

Secondly, there is occurring, and has been occurring throughout our country over the last decade really, an extraordinary outburst of educational reform at the local level. Superior efforts are being made by teachers, by school administrators, by superintendents, by parents, by whole communities, to try to do everything possible to improve the status quo because when the status quo is not adequately educating our children, in this information age particularly, we are not achieving one of the great goals of our Government.

This proposal we make today is an attempt to respond to both of those observations and to use the 5-year reauthorization of the Elementary and Secondary Education Act as an opportunity to leverage Federal dollars, perhaps small in percentage in the overall cost of public education in our country but large in absolute terms, to do better at educating the poor and disadvantaged in our country and do much better at encouraging, facilitating, and financially supporting the extraordinary educational reform efforts going on around the country. I am pleased to say particularly in States such as my own State of Connecticut.

As we continue this debate on the ESEA, Congress itself is facing a major test, one that will likely be far more important to the future of millions of America's children than any of the school exams or assessments they have to take this year.

Our challenge in Congress is to reform, and in some ways to reinvent in some fundamental ways, our Federal education policy to help States and school districts meet the demands of this new century and to help us fulfill our responsibility to provide a quality education for all of America's children.

That is why I join today with eight of my colleagues, and perhaps at least one more, in offering this amendment to the bill before us that calls for a totally new approach to Federal education policy, one that we who cosponsor this amendment believe could also serve as a bridge to a bipartisan solution to this problem, to a bipartisan reauthorization of the ESEA. Of course, that has to be the goal to which all of us aspire. It may be an interesting debate on Federal education policy, it may be stimulating, it may be fascinating, it may even be educational, but if it is only a debate without a result, it does nothing for the children of our country.

We hope this proposal we are making today can be a bridge to a bipartisan reauthorization of ESEA. Our approach will refocus our national policy on helping States and local school districts raise academic achievement for all children. That has to be our priority. It would put the priority, therefore, for Federal programs on performance instead of process, on delivering results instead of developing rules.

I am asking not just how much we are going to spend on education or what specific pipes it goes through to the State and local districts, but on what comes out of the other end, which is to say how are our children being educated.

Our approach calls on States and local districts to enter into a new compact with the Federal Government to work together to strengthen standards and to improve educational opportunities, particularly for America's poorest children. It would provide State and local educators with significantly more funding from the Federal Government and significantly more flexibility in using that funding to meet their specific local needs.

In exchange, our proposal would demand real accountability and, for the first time, impose consequences on schools that continue to fail to show progress. You cannot have a system of accountability that winks at those who fail to appropriately educate our children.

In order to implement effective education policy, I think we have to first acknowledge that there are serious problems with the performance of many of our schools and that public confidence in public education will erode seriously if we do not acknowledge and address those problems now.

While overall student achievement is up, we must face the alarming achievement gap that still separates poorer minority Americans from better off white Americans.

According to the State-by-State reading scores of fourth graders, in the National Assessment of Educational Progress, the achievement gap between African American and Caucasian American students actually grew larger in 16 States between 1992 and 1998, notwithstanding the billions of dollars we have sent back to the States and local districts to reduce that gap over the last 35 years. The gap between Hispanic American students and white American students became larger in nine States over the same period of time. Perhaps most alarming is the data that reveals that the average African American and Latino American 17-year-old has about the same reading and math skills as the average Caucasian American 13-year-old. That is an unfair and unacceptable outrage. We must do something about it.

One recent report states:

Students are being unconsciously eliminated from the candidate pool of Information Technology workers by the knowledge and attitudes they acquire in their K-12

years. Many students do not learn the basic skills of reasoning, mathematics, and communication that provide the foundation for higher education or entry-level jobs in Information Technology work.

One cause of this, I am afraid, is that we have not done a very good job in recent years of providing more of our children with high-quality teachers, a critical component to higher student achievement. After all, what is education? Education is one person, the teacher, conveying knowledge and the ability to learn to another person, a younger person, a student. We are failing to deliver enough teachers to the classroom who truly know their subject matter.

One national survey found that one-fourth of all secondary school teachers did not major in their core area of instruction. And note this. In terms of the inequity in the current system, in the school districts with the highest concentration of minority students, those students have less than a 50-percent chance of getting a math or science teacher who has a license or degree in those fields. So we are putting them behind before they even get started.

While more money alone will not solve our problems, we cannot honestly expect to reform and reinvent our schools without more money either. The reality is, there is a tremendous need for the additional investment in our public schools, not just in urban areas but in every kind of community, including, of course, poorer rural communities.

Not only are thousands of crumbling and overcrowded schools in need of modernization, but a looming shortage of 2 million new teachers to train and hire faces our country. Add to this billions in spiraling special education costs the local school districts have to meet and we can see we cannot really uphold our responsibility without sending more money back to the States and local school districts.

Trying to raise standards at a time of profound social turbulence for our poorest families means we will need to expend new sums to reach and teach children who in the past, frankly, have never been asked to excel, whose failure was accepted—in some senses perhaps even encouraged—who in the present will have to overcome enormous hurdles to do better.

At the same time that schools are trying to cope with new and complex societal changes, we are demanding that they teach more than they ever have before. Parents and potential employers both want better teachers, stronger standards, and higher test scores for all our students as well as state-of-the-art technology and skills to match.

It is a tribute to the many dedicated men and women who are responsible for teaching our children every school-day across America that the bulk of our schools are as good as they are today in light of these broader contextual and sociological pressures. I believe—and I believe it is a fundamental

premise of our system of government in our education system—that any child can learn, any child. That has been proven over and over again in the best schools in my home State of Connecticut and in many of America's poorest cities and rural areas. There are, in fact, plenty of positives to highlight in public education today, which is something else we have to acknowledge, yet too often do not, as part of this debate.

I have made a real effort over the last few years to visit a broad range of public schools and programs in Connecticut. I can tell you that there is much happening in our schools we can be heartened by, proud of, and learn from.

There is the exemplary John Barry Elementary School in Meriden, CT, for instance, which has a very-high-poverty, high-mobility student population but, through intervention programs, has had remarkable success in improving the reading skills of many of its students.

There is the Side By Side Charter School in Norwalk—1 of 17 charters in Connecticut—which has created an exemplary multicultural, multiracial program in response to the challenges of a State court decision, *Sheff versus O'Neill*, to diminish racial isolation and segregation in our schools. Side By Side is experimenting with a different approach to classroom assignments, having students stay with teachers for 2 consecutive years to take advantage of the relationships that develop. By all indications, it is working quite well for those kids.

There is the Bridge Academy, which is a charter high school in Bridgeport, CT, formed, as so many of the most effective schools have been, by teachers from the public schools who wanted to go out and run their own schools to create the environment in which they believed they could best teach. It is a remarkable experience to visit this school in Bridgeport.

I remember when I went to the students a second time a couple months ago. Some people criticize charter schools and say they skim off the best students from the other schools. The kids laughed. One of the young women there, high school age, said, "I think you can say, Mr. Senator, that what you have before you is the worst students from the public high schools." She said, "I will go one step further. If I remained at the high school I was attending, I would not be in the high school; I would have dropped out by now. I was going nowhere." But there was something about this school, the Bridge Academy, which, she said to me, maybe was the smaller class size, interestingly. "Maybe it is the fact that we know the teachers here really care about us. We are like a family here. Whatever it is, I have worked very hard and I have done things I thought I was never able to do. I am going to college next year."

That is a remarkable story. I don't have the number with me, but a great

majority of the students graduating there are going to college next year. They will probably have the acceptance letter on the central bulletin board in the school. But that is occurring. In Connecticut, we have the BEST program, which is building on previous efforts to raise teacher skills and salaries. It is now targeting additional State aid and training and, most importantly, mentoring support to help local school districts bring in new teachers and prepare them to excel. It is very exciting to see the more senior teachers—the mentors—committing time, with little or no extra compensation, to help the younger teachers learn how to be good teachers.

I think you have to say that is one of the reasons why Connecticut scores on the national tests have now gone to the top. It is one of the big reasons why they have, and it is why this BEST program of mentoring is cited by many groups, including the National Commission on Teaching in America's Future, as a model for us to follow.

A number of other States, including, by most accounts, North Carolina and Texas, have moved in the same direction, refocusing their education systems, not on process but on performance, not on prescriptive rules and regulations but on results. More and more of them are, in fact, adopting what might be called a reinvest, reinvent and responsibility strategy by, first, infusing new resources into their public education system; second, giving local districts more flexibility; and, third, demanding new measures and mechanisms of accountability to increase the chances that these investments will yield the intended return, meaning improved academic achievement by more students.

To ensure that more States and localities have the ability to build on these successes around the country and prepare every student to succeed in the classroom, which has to be our national objective, we must invest more resources. The amendment my colleagues and I are offering today would boost ESEA funding by \$35 billion over the next 5 years. But we also believe that the impact of this funding will be severely diluted if it is not better targeted to the worst performing schools and if it is not coupled with a demand for results. That is why we not only increase title I funding for disadvantaged kids by 50 percent, but we use the more targeted formula for distributing those dollars to schools with the highest concentrations of poverty. That is why we develop a new accountability system that strips Federal funding from States that continually fail to meet their performance goals.

I wish to highlight for a moment our formula changes in title I on the hope that they will draw some attention to an area I believe is very worthy of debate, which is how best to target funds to the poorest children, the disadvantaged, who are still being left behind in great numbers in our education system.

Our formula distributes more of the new funding through the targeted grant formula enacted into law by Congress in 1994, which has never been funded by congressional appropriators. It is progressive, but there is no money in it. It ensures that no State will lose funds while providing for better targeting of new funds with those States with the highest rates of poverty. In other words, it has a hold harmless in the current level of funding under title I, but it takes the new money and targets it to those who need it most. I am calling for this targeting to the school districts receiving the highest percentage of poor children.

We must face the fact that title I funds today are currently spread too thin to help the truly disadvantaged. According to a 1999 CRS report, title I grants are provided to approximately 90 percent of all local education agencies—way beyond what we would guess are the truly needy—and 58 percent of all public schools receive title I money.

Federal funds for poor children are currently distributed through two grants known as the basic grant and the concentration grant. In order to be eligible for the basic grants, through which 85 percent of title I money is now distributed, local school districts only need to have 10 school age children from low-income families, and these children must constitute only 2 percent of the total school age population. I want to repeat that because it is so stunning. When I first read it, I went back to my staff and the documents to see if I had read it right. This is the result of, frankly, a political formula. In order to be eligible for basic grants, through which 85 percent of title I funds are distributed—it is supposed to help disadvantaged kids—local districts only need to have 10 school age children from low-income families, and those children must constitute only 2 percent of the school age population. You can see how that money, therefore, is being spread so thin that a lot of poor kids are not getting help and a lot of kids who are not so poor, from schools in which there are few poor kids, are receiving that money.

Under the concentration grant, districts with a child poverty rate of 15 percent are eligible to receive funding. That is a little better but still minimal. With those low thresholds, we have to ask ourselves are we really living up to the original intent of the ESEA, which was to ensure that poor children have access to a quality education on the same level as more affluent children. I think the answer has to be, no, we are not. That is what the facts say. In fact, another number, which unsettled me even more, is one out of every five schools in America that has between 50 and 75 percent of its student body under the poverty level doesn't receive a dime of title I money. One out of every five schools in America that has half to three-quarters of its student population under the poverty level doesn't receive a dime of

title I money, which is supposed to benefit exactly those children.

I think we have to acknowledge that the current formula is not doing what it should be doing. It is a starting point and a way to draw our attention and resources back to the original intent of this act and the primary function of the Federal Government in education stated in 1965, which we are not fulfilling now, and that is to better educate economically disadvantaged children.

In calling for a refocus of our Federal priorities, we who have sponsored this amendment agree with those concerned that the current system of Federal education grants are both too numerous and too bureaucratic, too prescriptive, and too strong on mandates from Washington. That is why this amendment eliminates dozens of federally microtargeted, micromanaged programs that are redundant or incidental to our core national mission of raising academic achievement. We also believe we have a great overriding national interest in promoting a few important education goals, and chief among them is delivering on the promise of equal opportunity. It is irresponsible, it seems to us, to hand out Federal dollars to the localities with no questions asked and no thought of national priorities. That is why we carve out separate titles in those areas that we think are critical to helping local districts elevate the performance of their schools.

In other words, we consolidate almost 50 existing Federal categorical grant programs into the title I program for disadvantaged kids, the largest by far. And performance-based grant programs in which we state a national objective but give the local school district and the State the opportunity and the authority to work out their priorities are in meeting those objectives.

The first of these is title I with more money, \$12 billion—a 50-percent increase in better targeting.

The second—a performance-based grant program—would combine various teacher training and professional development programs into a single teacher-quality grant, increase funding by 100 percent to \$1.6 billion annually—the quality of our teachers is so important—and challenge each State to pursue the kind of bold, performance-based reforms, if it is their desire and choice, and higher salaries for teachers, as my own State of Connecticut has undertaken with great success and effect.

The third performance-based grant program would reform the Federal Bilingual Education Program and hopefully diffuse the ongoing controversy surrounding it by making it absolutely clear that our national mission is to help immigrant children learn and master English, as well, of course, as to achieve high levels of achievement on all subjects. We must be willing to back this commitment with more re-

sources—the resources that are essential to help ensure that all limited English-proficient students are served better and are not left behind, and that the gap between their knowledge and that of the majority does not grow larger in the years ahead as it has in the years immediately past.

Under our approach, funding for limited English-proficient programs would be more than doubled to \$1 billion a year and for the first time be distributed to States and local districts through a reliable formula based on the number of students who need help with their English proficiency. As a result, school districts serving large LEP—limited English-proficient—and high-poverty student populations would for the first time be guaranteed Federal funding and would not be penalized because of their inability to hire clever proposal writers for competitive grants.

The fourth performance-based grant title would provide greater choice within the public school framework by authorizing additional funding for charter school startups and new incentives for expanding local, intradistrict public school choice programs.

The fifth performance-based grant program in this amendment would establish and radically restructure the remaining ESEA and ensure that funds are much better targeted while giving local districts more flexibility.

In this new title VI, our amendment would consolidate more than 20 different programs into a single, high-performance initiatives title with a focus on supporting bold new ideas, such as expanding access to summer school and afterschool programs, improving school safety, and building technological literacy, which is to say to close the looming digital divide in our country for our children before it gets deep and unfixable.

We increase overall funding for these innovative programs by more than \$200 million annually and distribute this aid through a formula that targets more resources for the highest poverty areas.

The boldest changes we are proposing are in the new accountability title. As of today, we have plenty of rules and requirements on inputs, on how funding is to be allocated and who must be served, but little if any attention to outcomes on how schools ultimately perform in educating children. This amendment would reverse that imbalance by linking Federal funding to the progress State and local districts make in raising academic achievements. It would call on State and local leaders to set specific performance standards and adopt rigorous amendments for measuring how each district is faring and meeting these goals. In turn, States that exceed those goals would be rewarded with additional funds, and those that fail repeatedly to show progress would be penalized. In other words, for the first time there would be consequences for schools that perform poorly.

In discussing how exactly to impose those consequences, we have run into understandable concerns about whether we can penalize failing schools and school systems without also hurting the children.

The truth is we are hurting too many children right now, especially the most economically and sociologically vulnerable of them, by forcing them to attend chronically troubled schools that are accountable to no one—a situation that is just not acceptable anymore. Our amendment minimizes the potential negative impact of these consequences on students.

It provides the States with 3 years to set their performance-based goals and put in place a monitoring system for gauging how local districts are progressing. It also provides additional resources for States to help school districts identify and then improve low-performing schools.

If after those 3 years the State is still failing to meet its goals, the State would be cut in its administrative funding by 50 percent. Only after 4 years of underperformance would dollars targeted for the classroom through the new title VI be put in jeopardy. At that point, protecting kids by continuing to subsidize bad schools honestly becomes more like punishing them.

I want to point out that at no point would our proposal cut title I funding, or the largest part of ESEA—the part focused on the needs of our poorest children.

Another concern that may be raised is that these performance-based grants are open-ended block grants in sheep's clothing. There are substantial differences between a straight block-grant approach and our performance-based grant proposal. First, in most block grant proposals, the accountability mechanisms are often nonexistent or, if they are, they are quite vague. Our bill would have tangible consequences pegged not just to raising test scores in the more affluent areas, but to closing the troubling achievement gap between them and students in the poor, largely minority districts.

We believe our amendment embraces a commonsense strategy—reinvest in our public schools, reinvent the way we run them, and restore a sense of responsibility in our schools to the children who we are supposed to be educating and to their parents. Hence the title of our bill, “The Public Education Reinvention, Reinvestment, and Responsibility Act,” which we call RRR for short.

I guess you could say our approach in this amendment is modest enough to recognize that there are no easy answers, particularly not from the Federal Government, for turning around low-performing schools, to lifting teaching standards, to closing the debilitating achievement gap, and that most of those answers won't be found in Washington anyway. But our proposal is bold enough to try to harness

our unique ability to set the national agenda and recast the Federal Government as an active catalyst for educational success instead of a passive enabler of failure.

Finally, this debate raises again for all of us in the Senate the basic question: Did we come here to produce or to posture? Are we going to be practical or are we going to be partisan?

At this moment, when our constituents seem to be telling us everywhere in the country that the deed they most want us to do is to help reform the public schools of this country, are we going to be content with a debate that does not produce a bill?

At this moment, the apparent answers to these questions are not encouraging. But there is still time. And we hope this amendment can be the path to bipartisan discussions, compromises, and ultimately educational reform.

I thank my colleagues who are cosponsors of this bill for the contributions that each and every one of them has made. I urge my fellow Members of the Senate in the time ahead to take the time to look at our proposal with an open mind—nobody will like every part of it—and to see if there is enough here to form the basis of a bridge that a significant majority of us can walk across to achieve a bipartisan reauthorization of the Elementary and Secondary Education Act.

I thank the Chair. I thank my colleagues.

I yield the floor.

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

Mr. GREGG. Mr. President, is there a time allocation under this bill?

The PRESIDING OFFICER. There is a time allocation.

Mr. GREGG. Mr. President, let me begin by saying I congratulate the Senator from Connecticut for bringing forward an amendment that has a lot of interesting, creative ideas, ideas that are attractive to myself and other Members on the other side of the aisle that find attractive the proposals presented; and the accountability proposals and the idea we should allow local communities and States to have more flexibility in the management of the funds which come from the Federal Government, with an expectation they produce a better level of achievement for their students.

These are ideas which we think make sense. We have some reservations about some proposals within the amendment, but I hope we can work over time with the Senator from Connecticut and his cosponsors on his side of the aisle to evolve a bipartisan package. I think there is significant opportunity for that. I congratulate the Senator for his efforts.

The amendment that was set aside, offered by Senator LOTT, is called the Teachers' Bill of Rights. That amendment involves four items: First, a commitment that allows, under the under-

lying bill, S. 2, to make sure we use the dollars of the Teacher Empowerment Act, which is \$2 billion, to hire high-quality teachers, teachers who have the qualifications to teach the subjects they are supposed to be teaching. In turn, it has accountability standards which we expect from the States for using the money to hire quality teachers, to show they have hired the quality teachers, and as a result student achievement has improved.

The thrust is not directed at institutions or school systems but is directed at children and making sure children's achievement improves in the context of giving States more flexibility but expecting more accountability. This amendment tracks that proposal. It gives more dollars to the local districts and the States to hire quality teachers, but it expects the quality teachers to be able to show results. It specifically requires accountability in showing either student achievement is increasing or that the teachers who are teaching in the core curriculums they are assigned to—math teachers teaching math, for example—actually know the subject and are capable of teaching the subject to the children.

In addition, the bill has an authorization of \$50 million to encourage midcareer professionals to come into the teaching profession, a very important proposal that came forward with Senator HUTCHISON of Texas, Senator FRIST, and Senator CRAPO, a good idea that allows using dollars to attract folks who have gone through their professional career in the private sector and decided they wanted to give back a little bit to society and have decided to go into public education. This assists them in doing that. We are starting to attract a fair number of people from that career path. It is important to encourage.

The fourth element of the Teachers' Bill of Rights is the very important proposal from Senator COVERDELL limiting teacher liability as they pursue professional activities in teaching children. This is a problem for teachers. Most teachers say their big concern is they will get sued because a child is on the playground, gets injured, and they are held responsible. They are afraid of the impact on their family to have such a lawsuit occur. This is an attempt to try to mitigate that in a reasonable way. It is a good proposal.

These are the four elements of the Teachers' Bill of Rights amendment. I hope my colleagues can support that amendment which is not overly controversial. It is a good proposal.

Speaking about the general debate we have been involved in for the last week on the issue of ESEA, it has been an interesting and a very substantive debate. It has, however, involved clear distinctions on policy in how we approach the question of education in this country.

On our side of the aisle, we believe very strongly that we should have an approach to elementary education that

stresses the child and stresses the need for the child to do better, especially the low-income child, which is where the bill focuses.

Third, it gives the State, the teachers, principals, and superintendents flexibility as they try to address that issue of how it gives low-income children a better education.

Fourth, it expects academic accountability. We give flexibility to States and they have to produce academic accountability. Low-income children have to do better than in the past. We have spent, as I mentioned a number of times, over \$130 billion in title I over the last 35 years. Yet the academics of our low-income children have actually gone down over that time period. As a result, we are seeing the gap widen between the non-low-income child and the low-income child in the school systems. The statistics are stark. The Senator from Connecticut cited a number of them. The most stark is that the average low-income child reads at two grade levels below their peers by the fourth grade; that difference expands as they move into high school years.

We believe strongly there has to be a different approach. We have to allow the local school districts flexibility and expect academic achievement.

On the other side of the aisle, I have been interested by the tenor of the debate. A large percentage of the positions taken on the other side have been to attack the idea of giving flexibility and power to the States, subject to accountability standards in the area of achievement. There has been a clear and aggressive response and attack coming from the other side of the aisle on the leaders of our States and our school districts across this country. It has been focused to a large extent on the Governors. There seems to be a deep suspicion on the other side of the aisle about Governors, which I find discouraging, having been a former Governor. I think there are about 12 or 16 of us in this room. I see one other former Governor in the room right now on the other side of the aisle.

Here are some of the quotes from Members on the other side of the aisle about Governors or State leadership. Senator WELLSTONE:

But honest-to-goodness, Washington, DC, and this Congress is the only place I've been where people say, "Let's hear from the grassroots, the Governors are here." I mean, Governors are not what I know to be grassroots. Could be good Governors, bad Governors, average Governors. But my colleagues have a bit of tunnel vision here thinking that decentralization and grassroots is the Governors.

Senator KENNEDY on the issue of local control:

What priority do these children get in terms of the States? They didn't get any priority when this bill was passed in 1965, even with requirements that the funds go down to the local community. This legislation is going to effectively give it to all of the States, as I mentioned. I think that is basically and fundamentally in error. As I mentioned, what are we trying to do?

A little suspicious about what would happen if the money goes to the States. Senator SCHUMER:

I understand the desire to keep schools locally controlled. But a block grant, a formula for waste, and much of it going to the Governors, so that money doesn't even trickle down.

As an editorial comment, the evil Governors will get their hands on it.

Senator KENNEDY:

We need a guarantee. We don't need a blank check. We want to make sure the money's going to go to where it's needed and not go to the Governors' pet programs and pet projects and pet leaders in the local communities and their States.

Once again, the evil Governors strike.

Senator MURRAY:

The Republican approach would take the things that are working and turn them into block grants, and their block grant does not go to the classroom. It goes to the State legislatures and—it goes to the State legislatures and adds a new layer of bureaucracy between the education dollars and the students that is so important.

There it is, the evil State legislatures.

Senator DODD:

... What are we saying in this bill or trying to say is back in that community I won't be able to make it absolutely equal. But I would like to get some resources into that school. Now I've got to trust—trust your good Governors.

Said with a bit of sarcasm, the Governors, once again, are being pointed out as being inappropriate sources to be trusted in our institutions.

Senator REID:

What Republicans are saying essentially is let's give the money to the Governors; if they want to concentrate more efforts on low-income students, they can, but if they don't, they don't have to.

The Governors are the force of evil, it appears, in the educational systems of America.

It is very surprising language. I am tempted to say it is the Governors who actually have been doing the original thinking in the area of education. In fact, ironically, if you look at what has happened in education, you will see in the issue of class size reduction, which is such an important question we have debated on this floor, 22 States have implemented major class size reductions. In fact, most of those States implemented those projects before there was any class size initiative adopted at the Federal level.

In the area of school accountability, 40 States have initiated report cards already. These have been initiated, I suspect, by the Governors in those States, as was the class size initiative, I suspect, initiated by the Governors in those States.

In the area of charter schools, before there was any idea of a Federal charter school initiative, 2,000 charter schools had been initiated at the local and State level. Once again, it would be the Governors who initiated those charter schools; 2,000 of them have been initiated across this country. In fact, the

National Educational Goals Panel, which is probably the most objective reviewer of what is happening in education, looking at it from a national perspective—they don't have too much of an agenda. They have a little agenda, but they have not too much, and the NEPA test is something that comes out of that agenda—said States such as North Carolina and Texas, which were cited by the Senator from Texas as States very effective in raising the scores of low-income students—they said in their studies they cannot attribute any gains to Federal activity. They attribute the gains to the fact that in the States, the local communities, the local policy has been the force for educational excellence.

I am not here necessarily to defend, *carte blanche*, Governors, because I suspect Governors make mistakes. But Governors have as their primary responsibility the issue of education. A Governor is not going to stop halfway through the day, is not going to stop talking about education and suddenly go on to the African trade agreement and the Caribbean Basin agreement, which is exactly what we are going to do in a couple of hours. Then we are going to be on to an appropriations bill on military construction. Then we are going to be on to an appropriations bill on agriculture.

Governors, for the most part, think about education probably 40 to 50 percent of their time. Why? Because 40 to 50 percent of the dollars that are spent at the State level in most States—not New Hampshire, ironically, but in most States—are education dollars. That is the biggest item in their budget, so they spend almost all their time on that issue.

It is not as if they come to this issue as some sort of force for darkness. But if you listened to our colleagues on the other side of the aisle, you would think so. This bill gives more authority to the State Governors and to the local schools and to parents and to teachers—by the way, subject, however, to significant accountability—and you would think the Governors were part of the Evil Empire, that they came from the dark side. Maybe you would think they are related to Darth Vader, if you listened to Senator MURRAY, Senator REID, Senator DODD, Senator KENNEDY, Senator WELLSTONE, Senator SCHUMER.

So I decided to make up a chart. It is very obvious to me, as I listen to the debate, the other side of the aisle has met the enemy and the enemy is the Governors. That is the problem with education according to the other side of the aisle. So I got pictures of all our Governors, our good Governors. I am sure they are all good Governors. A few of them are Democratic Governors. Surprisingly, a majority are Republican Governors. That was not the case when I was a Governor, but I am glad to see that is the case today. I am thinking to myself: All these good people, they are the enemy. I did not know that.

Poor Governor Shaheen, she has some problems in New Hampshire, I have to admit. She is trying her best, but she has had some tough times. She got some tough cards dealt to her. But she is really interested in education. I know that. She is a Democratic Governor.

I know some of our Republican Governors—John Roland, from Connecticut, he has dedicated an immense amount of thought and creativity to being a leader on education. I will bet there is not a Governor here, not one of these enemy Governors, who has not got a very creative idea on education moving in their State, an extremely creative idea, something we have not thought about here in the Federal Government but something that is actually producing academic achievement by the kids in that State, something that is actually producing results.

That is an ironic concept for us in Washington. We don't necessarily work on results. We spent 35 years on title I, spending \$130 billion. We did not care about results. We did not care if the kids did any better. We wanted to get them in the school systems, and that worked, but we didn't really care whether they did any better. So now we bring forward a bill which says we care about the kids and we want achievement, and how is it attacked? It is attacked on the grounds it is going to give more power to the Governors and the Governors are really not responsible people and should not be given that power.

I have to say, I find that extremely disingenuous, just on the face of it. But I also find it inappropriate on the grounds that Governors really do care. They are pretty close to the people. They are elected just as we are. Some of them are elected more often than we are—in fact, I think most of them—so they are answerable to the people a few more times than we are.

I do think this response, which is essentially: you can't do anything because it might be a block grant to the Governors, is inappropriate. By the way, nothing we have in here is really a block grant at all because there is tremendous accountability pressure. The fact is, we set this up as a cafeteria line so States can go through and pick out what program they think is going to work best for them. But that gives too much authority to the States, to choose something that might actually work, because the Governors cannot be trusted.

This attack on this bill, which is quite honestly the gravamen of the opposition, is that we are taking the power out of Washington. Although I put it in humorous terms, that really is the gravamen of the opposition. We are taking the power out of Washington; we are taking the strings away from Washington; we are returning the authority back to people actually giving the education in expectation, with accountability standards, that we expect achievement.

That is the difference here. There is a lobby in this city that wants to maintain control over these dollars at all costs, even if it means the dollars are not producing any results or any significant results that benefit the kids to whom they are directed. We have 35 years of record that show us these kids have lost out; we have lost generations of young children who were low-income, who were not able to pursue the American dream because they could not read and they could not write. We cannot tolerate that any longer.

I believe, very strongly, we should give authority back to these folks subject to the conditionality that they produce achievement. That is a reasonable approach, in my opinion. I am interested that the other side has rejected this approach and basically looks at the Governors as the opposition.

Another way you could look at this is, what do you get for Federal dollars that are controlled by the Federal Government versus what you get for State dollars controlled by State governments—these Governors, these people who do not know how to administer their programs and clearly are going to be inefficient?

Let's look at it at the State levels. It takes 25 people in the State government in Georgia to administer \$1 billion of Georgia's State money. It takes 116 people to administer the \$1 billion that comes from the Federal Government—more than four times the number of people it takes to administer State dollars. That is people sitting at desks, answering mail, doing forms, who are not teaching, who are not helping kids get a better education but who are simply pushing paper through the system.

It gets even worse for the State of Florida. For every \$1 billion spent, it takes 46 State employees in Florida for Florida State dollars; for every \$1 billion of Federal money spent, it takes 297 employees to manage that money—46 to 297.

So these terribly inefficient folks who really should not be given the authority to manage the money because they really do not know what they are doing, at least with their dollars they appear to know what they are doing. They are getting their dollars out to the kids. Their dollars go to the classrooms. They don't end up in some room in some big building in Tallahassee for filling out forms. Most of the people in the big room in Tallahassee filling out forms are doing it to fulfill Federal responsibilities.

You do not have to look at just Florida and Georgia. The commissioner of education in Colorado said the involvement of the Federal Government has served "only to confuse almost everyone." Actually, he used the words "nearly everyone."

Lisa Graham Keegan, the superintendent of public education in Arizona:

Every minute we spend making sure we're in compliance with all those pages of Federal

regulations means one less minute we can spend to help teachers with professional development, improving curriculum, developing our own testing standards and insuring all the children are getting the help they need to succeed.

That pretty much sums it up. I think there is a good case you could make, and I believe we have made it, that the States, local school districts, the principals, the teachers, and the parents are just as concerned about education as anybody in this room, and maybe even more so because they have actually got the kid in the school in which they have to invest.

The case can also be made—and I think we have made it—that these dollars will be effectively and efficiently handled because they are going to be subject to conditions which are reasonable, which basically require academic achievement to improve amongst our low-income children.

I believe the case can be made, looking at the statistics, that the States are already doing the job better than we are doing; that they are not absorbing huge amounts of the dollars in bureaucracy but, rather, are putting those dollars into the classroom, which is where they should end up.

When I hear the other side talk about the poor suffering Governors as being the problem, I shake my head and think, what can they be thinking, because clearly they are inaccurate. I believe our approach to this bill is the right approach. Let's give the Governors, the local schools, parents, and teachers some flexibility, and let's expect them to produce results.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will take about 3 minutes because we do want to hear particularly from the cosponsors. Since I was mentioned in the remarks of my good friend from New Hampshire, I think I should respond.

I have been listening for the last 4 days in the Senate to how the schools that are serving underserved children and disadvantaged children are in crisis in America. We have heard that in speech after speech on the other side of the aisle and many on this side as well as from myself because of the challenges we are facing. The fact remains today the Governors have 96 cents out of every dollar. Do my colleagues understand that? The Federal Government has maybe 6 or 7 cents out of the dollar. They have 96 cents. If the schools are not working well, I believe perhaps we ought to have educational recommendations in programs that have been tried and tested and are working. The Governors have had their chance, and they have come up short on this issue. We have been making that case.

Finally, on title I funds, 98.5 cents out of every title I dollar goes to the local level; 1 percent is retained at the State level. I would like to hear from my friend from New Hampshire what

the basis of his study is, but we have the GAO reports, studies, and allocations. I know, for example, with respect to the old block grants that used to go to the States in higher education, very little of that ever got out of the State offices because the Governors in those States, including my own State of Massachusetts, used that money to fund the departments of education for child and maternal care. I doubt a nickel of that ever—also in my own State of Massachusetts—helped people because it was all absorbed as a result of the flexibility. We are trying to get away from that.

I yield the floor. I thank the Senator from Indiana for his patience.

Mr. WELLSTONE. Mr. President, I ask the Senator for 10 seconds. My understanding is that following the Senator from Indiana, the Senator from North Carolina is going to speak. I ask unanimous consent that I follow the Senator from North Carolina.

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

The Senator from Indiana.

Mr. BAYH. Mr. President, I am somewhat disappointed that our colleague from New Hampshire has left the floor and taken with him the chart with the pictures of the 50 Governors of the States. For 8 years, my picture would have been on that chart, and, I must say, it is a much better looking group now that I am no longer there.

All joking aside, if we are going to make progress on this very important issue, it is necessary for us to stop pointing fingers and instead work together to make progress.

There was always a tendency, when we gathered as Governors, to point to Washington as the source of many of our problems. Now that I have the privilege of serving in this body, I see from time to time there is a tendency to look at the State and local levels in a similar spirit. The truth is, we need cooperation to make progress on this critical issue.

I begin my remarks by giving credit to those who helped us lay the foundation for progress on the Lieberman amendment, which I believe very strongly offers our best chance for a bipartisan compromise and progress to help improve the quality of education for our students.

I am pleased my colleague from Connecticut has returned to the floor. Without his courage, dedication, and devotion to this issue, we would not be here today, nor have the opportunity for the progress we now have. I publicly salute Senator LIEBERMAN for his commitment to this very important issue.

Secondly, I thank our colleague from Massachusetts, Senator KENNEDY, who is still with us on the floor, and Senator DASCHLE, our Democratic leader, for their cooperation in including our accountability provisions within the Democratic alternative that was voted on last week. Also, I thank them for their understanding of our commitment to the importance of targeting



resources to those children who are most in need and making progress on that very critical issue in the days and years ahead.

I thank our colleagues on this side of the aisle, the moderate Democrats, the so-called new Democrats, cosponsors on this amendment with Senator LIEBERMAN and myself who have now constituted a critical mass which has moved the discussion beyond stale partisanship and instead into a realm of reconciliation and progress that will enable us to make advancement in the cause of improving the quality of our children's education.

Finally, to our colleagues on the other side of the aisle, I thank them for accepting our outstretched hands. We have had ongoing fruitful negotiations. They are not completed yet. There are still significant, outstanding issues that need to be resolved, but I hope we have helped clear the air around this place to create a climate in which real progress can be made and discussions can take place. We had cordial, substantive discussions on a bipartisan basis, leaving politics at the door and instead focusing on the challenge that concerns us all: providing a quality education for all of America's children, particularly those less fortunate.

I care deeply about this issue because I believe improving the quality of education for all of America's children, along with the cause of keeping our nuclear arms under control and addressing the disintegration of the American family, is one of the greatest challenges of our time. It is one of the greatest challenges of our time because it is intricately tied up, bound up with addressing the important factors that face the American people today.

First, the economy. In an information age, in a globalized world economy, premium upon knowledge, skills, and know-how is more critical to economic success than ever before. Money flows around the globe, technology flows around the globe, and information flows around the globe. People do move but not as much as those other factors I mentioned. If one looks at the long-term competitive advantage of nations, one of the very best things we can do to ensure the future economic vitality of our country is to guarantee that we have a workforce with the skills necessary to compete successfully with our competitors from abroad.

I once heard Alan Greenspan speaking to the 50 Governors saying the single most important factor in determining the long-term productivity growth rate which, more than anything else, determines whether we are going to be prosperous as a country or not, is the skill levels of our workers today and the education levels of our children, the workers of tomorrow. So improving the quality of education is critically important to our long-term economic well-being as a society.

What kind of society we will be will also be determined by whether we meet

the education challenge today. The growing gap between haves and have-nots in our country is really an education gap, a knowledge gap, a skills gap, and if we are going to avoid, for the first time in our Nation's history, being divided into a country of haves and have-nots with an upper class and the lower class almost permanently shut out of opportunity, if we are going to avoid that, it will be because we give every child growing up in our country—even those from the wrong side of the tracks, even those growing up in homes less fortunate than others—the skills necessary to compete and succeed in the world in the 21st century.

Finally, the vitality of our democracy is at stake. I believe strongly in something Thomas Jefferson, one of the founders of the Democratic Party, once said. Thomas Jefferson happened to be our very first education President as well. He was the founder of the University of Virginia. Thomas Jefferson once said that a society that expects to be both ignorant and free is expecting something that never has been and never shall be.

Jefferson was right when he spoke those words in the early 1800s. If he were alive today, he would realize they resonate with more truth than even when he spoke them.

The complexity of the issues we face today, the critical decisions that face the American people require an even greater level of understanding and knowledge than in Thomas Jefferson's day.

Our economy, the nature of our society, and the very vibrancy of our democracy are all bound up in the way in which we resolve the educational challenges facing our Nation. This is why many of us have concluded we need to do better. The status quo is not good enough. The solutions of yesterday are inadequate to meet the challenges of tomorrow and the 21st century.

My colleague from Connecticut spoke eloquently to many of these factors. I have behind me a chart representing some of the NAEP scores. As you can see, we must do better. Sixty percent of America's children—at least 60 percent—are below proficient when it comes to reading, the very gateway to opportunity and literacy. Seventy-five percent of America's children are below proficient in mathematics, the gateway to sciences and the hard disciplines.

For America's less fortunate children, as the chart behind me demonstrates, the progress we need to make is even more significant if they, too, are to share in the fruits and the bounties that constitute the American dream.

I used to be amazed at the number of freshmen entering college, particularly in our 2-year institutions and those that are not the flagship sites for our State universities, who, of course, had received high school diplomas but who had to go back in their first year of college matriculation to do high school

work. Something had broken down. Something wrong had taken place that they received a high school diploma and yet had to go back and do high school work upon entering college.

We are resolved we will do better. Our approach represents not only a significant break from business as usual when it comes to national education policy; it represents a significantly increased national commitment to the cause of improving America's education system for every child with a significantly stepped up Federal commitment.

It is woefully inadequate that only one-half of 1 percent of Federal investment today goes into our schools. We must do better. Yet we do not want Federal micromanagement or intrusive Federal control. It has to be a cooperative effort with State and local communities.

That is where our approach embodies what I would like to call the sensible center. Let's start with investment. We disagree with those who say no additional resources are necessary because we know we cannot expect our local schools to do the job unless we give them the tools with which to get that job done.

Resources. Dollars are an important part of those tools to ensure that they can meet the challenge of giving every child a quality education. But we also disagree with our colleagues who say just more money is the only thing that needs to be done to meet the challenges in education.

Instead, we combine significantly increased Federal investment in education with significant accountability and insistence upon results. We provide for a 50-percent increase every year in title I investment; a 90-percent increase in investment for professional development, to ensure that there are qualified, highly motivated teachers in every classroom; a 30-percent increase in investment for innovation, trying new ways to meet the challenges that confront us; and a 50-percent increase in investment for charter schools, magnet schools, and public school choice.

We have struck the sensible center: Increased investment, yes, not just throwing more dollars on the problem but insisting upon better education for all of America's children.

Accountability. We have also chosen the sensible center there between those who would have no additional accountability and those who would seek micromanagement from Washington, DC.

Our approach focuses upon outcomes rather than inputs. We focus upon how much our children can read and write, add and subtract, rather than just how Federal dollars happen to be spent. Accountability is one of the linchpins in educational progress. It is at the heart of our approach.

Streamlining. Some would call it consolidation. Again, we struck the sensible center between those who would seek no accountability for the



expenditure of Federal dollars whatsoever—block grants; that is not something we support—and those, on the other hand, who would seek Federal micromanagement.

Ours is the solution for the information age. We get away from an industrial age model in which the Federal Government would seek to find one or two solutions that work and impose them upon everyone.

Instead, in an era of flexibility and speed, to meet the necessity of rapid change and innovation, we provide for dollars to be targeted at less advantaged students, spent in five broad categories keenly related to academic success but then allowing for the flexibility to tailor-make those investments in ways that will be most meaningful and most productive at the local level because every school district across America is not exactly alike, and, we, at the Federal level, need to recognize that.

Senator LIEBERMAN and I have spoken of the targeting. It is vitally important. Again, we need to target the additional investment at those children who are most in need. We provide a factor in our formula that will guarantee that no school district would see their title I funding cut. That, too, defines the sensible center.

Finally, let me touch upon a couple of other factors.

The importance of competition. We rejected the thinking of those who would go to a purely market-based system of vouchers because in a purely market-based system there are winners and losers. What of the losers? What of them? We have a national commitment to them to ensure that they, too, get the education they need because it would be a tragedy not only for them but for the rest of us if we allowed them to fall through the cracks of educational and lifetime opportunity. But at the same time, we embrace the forces of the marketplace in competition because we know that will provide for more parental choice, greater innovation, and, ultimately, more productivity within the public school system.

So we have provided for the forces of the marketplace while retaining the genius of the public education system, which is a commitment to a better education not just for the few, not just for those who would succeed competitively in a marketplace but for everyone.

Finally, let me say, once again, I am grateful for the progress that has been made. The seeds of progress have been firmly planted. We cannot yet tell whether they will bear fruit in this session of Congress or in the next. But I thank my colleagues who have brought us to this point, both within my own caucus and those on the other side of the aisle. If we are going to make progress on this important subject, it will be by working together, not pointing fingers or seeking to assign blame.

So I will conclude by citing some words spoken by Winston Churchill, in a moment more dramatic than this,

when he said: We have surely not reached the end, nor perhaps have we reached the beginning of the end, but at least—at least—we have reached the end of the beginning.

So let us begin to make progress for America's schoolchildren. Let us agree, on a bipartisan basis, to increase our commitment to their academic future. Let us agree on the importance of accountability, the forces of competition within the public school system, and the need for professional development. Let us agree upon these things.

Let us begin to move forward. If we do, it will not only improve the future for our children and the institutions of academic success across our country, but we will also begin to reinstall the confidence and trust of the American people in their ability to govern themselves. And that, perhaps, is the most important beginning of all.

I yield the floor.

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

Mr. COVERDELL. I will take a second. While the Senator from Indiana and the Senator from Connecticut are here, I would like to state that there are ongoing discussions, on a bipartisan basis, to try to see if this can be brought together. While we do not know what the conclusion is, the beginning of the end is certainly here. They are fruitful, no matter what happens in the long-term nature of the debate.

I compliment both Senators for the effort they have extended to reach out, along with Senator GREGG, Senator GORTON, and others, who have been instrumental in this ongoing work. I commend you to keep at it and see if we cannot come to a resolution.

I thank the Senator from North Carolina for giving me a moment to compliment these two Senators.

The PRESIDING OFFICER. Under the previous agreement, the Chair recognizes the Senator from North Carolina.

Mr. HELMS. I thank the Chair for recognizing me.

I ask unanimous consent that it be in order for me to deliver my remarks seated.

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

Mr. HELMS. Mr. President, may I inquire of the Chair if it is in order for me to offer an amendment to the bill under the existing unanimous consent agreement? I believe it is not.

The PRESIDING OFFICER. It would not be.

Mr. HELMS. That is my understanding. I thank the Chair.

Mr. President, I genuinely regret that it is not possible for me to offer an amendment at the present time, but I do wish to raise an issue that continues to cause confusion and frustration and hard feelings in the schools and in the courts at all levels. It involves an issue that deserves careful consideration by the Senate, and it seldom comes up;

but I have made the decision that I am going to bring it up from time to time and have the Senate vote on it. All of us should be willing to stop pussy-footing and take a stand, unequivocally, clearly and honestly on the issue of school prayer.

There is no question about the absurdity of the Senate remaining silent while some judge somewhere says that a high school football team cannot even engage in a simple prayer before the whistle blows the start of the game.

Equally absurd is the denial of a val-edictorian of a high school of the right to include a brief invocation in her remarks. But that sort of thing is going on all over the country.

I believe Benjamin Franklin and the other patriots, whom we refer to today as our Founding Fathers, made clear the power of—and the need for—prayer when they met at Philadelphia to set in motion this great land of freedom. It is very clear what Benjamin Franklin meant when he lectured his fellow colleagues. He said, "We should close the windows and the doors and get down on our knees and pray for guidance."

I have lived a large part of my life believing there should never be any limits on the right of public prayer. I never heard of a high school student being debased or deprived of his rights, or having any problem as a result of school prayer. We had prayer every day in every school I attended, and my recollection is that all of us got along pretty well. No student was ever shot, or raped, or found to have drugs on his or her person, let alone a gun, in any school that I attended. But then along came Madalyn O'Hair and her crusade against school prayer. That was in 1962 when she stirred up a few atheists and agnostics, and ultimately some judges, who contrived out of the whole cloth a fanciful argument that somebody's rights might be violated if a simple prayer were allowed in school. It was always allowed every day in the schools of America until Madalyn O'Hair came along. Since the systematic removal of nearly all aspects of religious expression from the schools, there have been repeated disasters of all kinds, cataclysmic things we never believed would happen.

From teen crime to teen pregnancy, so many young people are sinking in a quicksand of immorality. Would these heartbreaking events have occurred if prayer had not been banned from the schools? I don't think they would. When that question is raised, my response is that such things didn't happen before prayers and religion were banned from the schools.

There is still time to fix this problem. We can restore prayer in school. By the way, the distinguished occupant of the Chair this morning may have recalled that I offered this same amendment I am discussing right now to the Senate in 1994. It passed overwhelmingly, with 74 other Senators agreeing that a more sensible policy regarding

prayer in schools is essential and necessary. But that amendment was gutted—gutted—at the eleventh hour for partisan reasons, which I am not going to get into now. On some occasion, I may describe exactly how that happened.

In any event, the amendment I would like to have offered this morning allows students to exercise their first amendment prerogative of prayer.

Under the amendment:

No funds made available through the Department of Education shall be provided to any State, or local educational agency, that has a policy of denying, or that effectively prevents participation in, prayer permissible under the Constitution in public schools by individuals on a voluntary basis.

I must say that once more my amendment clearly states that:

No person shall be required to participate in prayer in a public school.

If a student doesn't want to pray, he or she, under no circumstances, will be required to do so. Therefore, I regret the parliamentary situation under which the Senate is operating this morning, which prevents my calling up this amendment for consideration.

Let me say this: I steadfastly believe that any education bill that does not protect the first amendment rights of students to engage in voluntary prayer is incomplete, and I intend to raise this issue subsequent to this morning as often as it takes until the right to voluntary school prayer is guaranteed once and for all.

I ask unanimous consent that the text of my amendment, No. 3128, now at the desk, be printed in the RECORD.

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

#### AMENDMENT No. 3128

At the end, add the following:

#### SEC. \_\_\_\_ FUNDING CONTINGENT ON RESPECT FOR CONSTITUTIONALLY PERMISSIBLE SCHOOL PRAYER.

(a) SHORT TITLE.—This section may be cited as the "Voluntary School Prayer Protection Act".

(b) PROHIBITION.—Notwithstanding any other provision of law, no funds made available through the Department of Education shall be provided to any State, or local educational agency, that has a policy of denying, or that effectively prevents participation in, prayer permissible under the Constitution in public schools by individuals on a voluntary basis.

(c) SPECIAL RULES.—No person shall be required to participate in prayer in a public school. No State, or local educational agency, shall influence the form or content of any prayer by a student that is permissible under the Constitution in a public school.

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

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, without losing my right to the floor, I yield for a moment to my colleague from Florida.

Mr. GRAHAM. Mr. President, for the purposes of a unanimous consent request, I ask unanimous consent that

after the Senator from Minnesota, the Senator from Louisiana be recognized next, and then an intervening Republican, and then myself to be the next Democrat, and then Senator LINCOLN be the next Democrat after that.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Mr. President, reserving the right to object, I think I heard it correctly. The Senator from Florida said that following the next Republican he would be in order, and then Senator LINCOLN would be the next Democrat following the next Republican; is that correct?

Mr. GRAHAM. Senator LANDRIEU is the first, I will be the next, Senator LINCOLN would be after myself, with the intervening Republicans.

The PRESIDING OFFICER. The way the Chair understands the unanimous consent request, Senator WELLSTONE is the present Senator, and then Senator LANDRIEU, and then the Senator said there would be a Republican, and then there would be himself and Senator LINCOLN; is that correct?

Mr. GRAHAM. Mr. President, the idea would be that these would be the next three Democrats, and if there were Republicans, they would be intervening in order to maintain the alternating nature of the debate.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object—I will not object—historically, although we get away from the history, those who are the principal proponents are generally recognized to make the case before opposition speaks. So we have tried to go back and forth. We have done pretty well. Since there are a number on our side who are prime sponsors, generally, as a courtesy, we have followed that historically and traditionally. We have gotten away from that.

I think the proposal is eminently fair. If it is all right, we might let them go in order to make the presentation, and then I would be glad to hear from two or three on the other side. These are all prime sponsors. Generally, in order to be able to make the case, I think we ought to have a chance to hear from them, certainly before the noon hour. I ask that we extend the time a bit before going into recess because I think they ought to be heard in outlining the presentation on the agreement. I have no objection.

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

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I shall be brief because a number of Senators are here who want to get the floor. I want to respond briefly to Senator GREGG. Then I want to raise one question for Senator LIEBERMAN. I wanted to speak to his amendment. I thought that was one way of being respectful. Then I want some Senators who are sponsoring this amendment, sometime after they make their presentation, to speak to the concerns I will raise in a moment.

First of all, however, I want to respond to the Senator from New Hampshire because all of this is a matter of record. The Senator brought out pictures of Governors and talked about when he was Governor. I think that is sort of beside the point. I don't remember anybody using such language, and I don't know that anybody implied such a thing. But I will say that when I talk about grassroots, I kid around about the Governors. People say: Let's hear from the grassroots.

Let me give you an example of what I consider grassroots—the National Campaign for Jobs and Income Support. This is a coalition of about 1,000 community groups, including faith-based and neighborhood organizations.

I had a chance to speak at their gathering in Chicago. Most of them are of color, and many are of low- to moderate-income.

They just released a study which I think speaks to one of the issues here. This is not, I say to Senator GRAHAM and others, responding to his amendment but in response to Senator GREGG's comments.

First of all, when we went through the debate on the welfare bill, I heard the discussion about this many times. Those who were for it said they didn't want the bill to be punitive. They talked about child care, food stamps, transportation, and health care. This study was just released this past weekend by this coalition. The problem, according to the study, is that many States are denying working poor families benefits to which they are legally entitled. That, of course, undermines the very incentives that Congress had in mind on behalf of the working poor.

Mr. President, I ask unanimous consent that this article entitled "Fair Deal for the Poor" by E.J. Dionne, Jr. be printed in the RECORD.

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

[From the Washington Post, May, 2000]

#### FAIR DEAL FOR THE POOR (E.J. Dionne, Jr.)

It's fashionable to talk about poor Americans left out of the economic boom. It's not fashionable to do much about their problems.

In Congress and on the campaign trail, a favorite pastime for members of both parties is to brag about the welfare reform bill passed in 1996. The bragging is over the sharp drop in the welfare rolls brought about by a prosperity that has created so many new jobs, and also by the bill's tough welfare-to-work provisions.

George W. Bush regularly boasts about the decline in Texas's welfare rolls, while Al Gore trumpets his premier role in pushing welfare reform against the wishers of some of the leading voices in his own party.

It's hard to oppose the core principle behind the welfare bill: Public assistance should be temporary and the system should help the poor find jobs and pursue independence.

But supporters of the bill insisted they weren't just being punitive. They said they wanted benefits—Medicaid, food stamps, child care, transportation assistance and

children's health insurance—to follow poor people off the rolls and help support them as they found their footing in the workplace. These benefits are especially important to the children of the poor, and no member of Congress likes to look mean to kids.

The problem, according to a new study released this past weekend, is that many states are denying the working poor benefits to which they are legally entitled. That undermines the incentives Congress pledged to put in place on behalf of the working poor.

"Even if you're a proponent of welfare reform, you'd be shocked at what's happening," says Lissa Bell, policy director of the Seattle-based Northwest Federation of Community Organizations. If the purpose of welfare reform is "self-sufficiency," that idea is "not being adequately reflected" in actual administration of the programs, she says.

What Bell and her co-author, Carson Strege-Flora, found were many cases of states and localities violating federal rules by imposing waiting periods for programs that are supposed to have none; creating cumbersome application rules to make it hard for eligible people to get benefits; and misinforming the working poor about what help was available to them.

Now, if there is good news in any of this, it is that community groups around the nation are organizing to put the cause of the working poor at the center of the national debate. Paradoxically, those who were most critical of the welfare bill when it passed may end up saving welfare reform by insisting that those willing to labor hard for low wages be lifted out of poverty.

"The people who are being denied access to these programs are people who work," says Deepak Bhargava, director of the National Campaign for Jobs and Income Support, which sponsored the study. The Campaign is a coalition of about 1,000 community groups, including faith-based and neighborhood organizations. "Its goal is to put poverty back on the national agenda," he says.

The devolution of power to the states, an idea associated with conservatives, is unleashing a wave of activism by the poor and their supporters. "The interesting thing about the devolution phenomenon," Bhargava says, "is that it's really put the ball in the court of the community organizations." They are demonstrating "a new level of sophistication about public policy politics."

But in the end, he says, these groups will also look to Washington to make sure states run programs for the working poor by the rules. And Washington will necessarily play a large role in any serious expansion of benefits for those who work but are still trapped in poverty. Universal health care would be a nice place to start.

"Poverty is the great invisible problem in the national discourse," Bhargava says. ". . . There hasn't been much political pressure from the people affected. And the problem is usually defined by the success of welfare reform in getting people off the rolls, as opposed to the failure to make much of a dent in the poverty rate."

This ought to be the most promising of times for programs to alleviate poverty. Public coffers at all levels are bulging, thanks to good economic times. The old welfare system is dead, and most government assistance is now flowing to those who work—meaning that the vast majority of voters approve of the values now embedded in the programs.

If we're not willing to do more to help the working poor what does that say about our much-advertised commitment to the value of work? And how devoted are we to that sentiment now roaringly popular on the campaign trail compassion?

Mr. WELLSTONE. Mr. President, I quote from the article:

"Even if you're a proponent of welfare reform, you'd be shocked at what's happening," says Lissa Bell, policy director of the Seattle-based Northwest Federation of Community Organizations. If the purpose of welfare reform is "self-sufficiency," that idea is "not being adequately reflected" in actual administration of the programs, she says.

What Bell and her co-author, Carson Strege-Flora, found were many cases of states and localities violating federal rules by imposing waiting periods for programs that are supposed to have none; creating cumbersome application rules to make it hard for eligible people to get benefits, and misinforming the working poor about what help was available to them.

Here is my point to my colleague, Senator GREGG, and to others. The point is this: There are many fine Governors, but there is a reason why over 30 years ago we said there are certain core standards. We used the word "accountability"—a certain core accountability when it comes to the poorest children in the country. And we are not about to support legislation that does away with a commitment to migrant children, a commitment to homeless children, a commitment on the part of the Federal Government that says to every State and school district there will be programs that will respond to the special and harsh circumstances of these children's lives. We are not going to leave this up to the States because even if there is some abuse and that is all there is, it is too much.

That is the point, I say to Senator GREGG.

Second, very briefly on the amendment that is before us, I thank my colleagues for their good work. I wanted to express the main concern I have. This is the one provision of this legislation which troubles me.

Could I ask my colleagues to shut that door at the top, please.

The PRESIDING OFFICER. The Sergeant at Arms will restore order.

Mr. WELLSTONE. Thank you, Mr. President.

One of the provisions in this amendment says if there has not been adequate progress on the part of title I children—there is a 4-year period that you look at, and then we do this assessment, and if there has not been adequate progress, then 30 percent of the funds which are title VI funds, as I understand it, are withheld from these school districts.

I just want to say to my colleagues that I think this is a mistake. I think we should have the assessment. I think we should know. But, as I see it, when you hold back the funds—and I think we can talk about how we may need to have different teachers; we may need to have different principals, but when we actually cut the funds in a variety of these different programs, I think the children are the ones who are paying the price.

This is near and dear to my heart. I think this is a mistake.

Here is the parallel that I would draw. I have been trying over the last

month to come to the floor and say: Look, when we have these high-stakes tests for third graders and whether they go on to fourth grade, for God's sake, let's also make sure they have the resources to be able to pass these tests and that each of these children has the same opportunity to achieve. If we don't do that, I think this will be punitive.

I don't understand what some of my colleagues are doing. I think it is a big mistake to basically say to these schools and these school districts, especially when I see that they are the ones—I heard this debate this morning. I heard the Senator from Indiana. I thought it was kind of interesting. He said, you know, I heard the debate. Is it the Governors' fault or is it not the Governors fault?

I think in many ways we are at fault. I think it is pathetic how little of the National Government budget—I heard anywhere from one-half of 1 percent to 2 percent of our overall budget—goes to education. I still argue, look, we should be a player for prekindergarten, and we are not doing it. It is as if we forgot. It is as if we will jump on a bandwagon and get off of it quickly. A year ago all of us were talking about the development of the brain. You have to get it right by the age of 3. Some of these kids come to school way behind. They fall further behind. Let's get that right. Let's do that.

We know from all of the research that has been done—whether we like it or not—that probably the two most important variables above and beyond a good teacher are the educational attainment and the income attainment of families. We are doing precious little, even with all of these surpluses and a booming economy, to change any of these circumstances that would so crucially affect how well children do.

The assumption is, if you are not trying hard enough, we are going to cut off the money. I think it hurts the kids.

I don't mind where Senator BINGAMAN and others are going on accountability. I think there are ways in which we can make it clear that there may have to be some reconstitution in terms of some of the personnel, albeit even there I am a little wary because I don't accept the assumption that the big problem is the teachers aren't trying hard enough or the principals are not trying hard enough or there isn't enough commitment. But, in any case, I don't like the sanction part. I think that is a big mistake because the kids are the ones who pay the price on this, as I understand this provision.

That was one concern I wanted to raise. I want my colleagues to speak to it because that is the way this debate should take place.

The only other concern I want to register, because there are plenty others who want to speak—some have said don't even raise it because we don't want to get into a big debate about it. But on paraprofessionals, I like some of

the changes that have been made with the language on this. There is language that I think says the only way you can hire paraprofessionals is to replace paraprofessionals.

I know what you are trying to get at, which is we don't want paraprofessionals actually doing the teaching. The teachers should be doing the teaching, and we don't want poor school districts to have the paraprofessionals who aren't certified and other school districts to have more.

On the other hand, it seems to me this may be a little bit too inflexible because as long as we make sure the teachers are doing the teaching, sometimes additional teaching assistants can make a huge difference in general above and beyond title I.

The second point I want to make is if we are going to talk about professional development for paraprofessionals—this happened, I say to Senator LIEBERMAN, about 3 weeks ago. I was back home. Sheila and I went to a gathering of cafeteria workers. We flew halfway across the State to be there. Sheila was a teaching assistant 19 years ago when we were married. She dropped out of school to put me through school. All the kids thought she was a librarian; she didn't have a college degree. She was a teaching assistant.

In addition, there were food service workers, teaching assistants, custodians, and the bus drivers. One of the things they said: We don't mind more professional development, and we don't mind saying go back and get an associate degree, but please remember, many of us who have these jobs don't have a lot of income. We can't just give up a job to go back to school. We can't just take a sabbatical.

We ought to be very careful, as we talk about this for these paraprofessionals. If we want them to receive more training, if we want them going back to school, make sure they are able to do so; many can't right now.

Those are the two questions I raise. I am prepared to yield the floor.

Mr. DODD. I know the sponsors are here. I know there is a limited amount of time. The sponsors of the amendment want to be heard.

I rise to commend Senator LIEBERMAN and the others—Senators BAYH, GRAHAM, LINCOLN, LANDRIEU, BRYAN, KOHL, ROBB, and BREAU—who have offered this amendment. I want to commend them on their commitment and their ideas in working toward the goal before all of us today—accelerating the pace of reform in our schools.

We have worked hard together on this issue for months, and in some cases, for years. Senator LIEBERMAN and I are fortunate to come from the same state, Connecticut, which is a national leader in school reform and student achievement and a constant source of ideas for both of us—so we have worked together on this issue for some time.

And contrary to what some may have heard, there is significant agreement among all of us about the direction of federal education policy. As is always the case, we hear more about the planes that don't fly and the issues that divide us than the planes that do fly and the issues that unite us.

Our agreements are many and significant. First and foremost, we all agree the status quo is not good enough for our schools, our children, our nation, or for us. We agree that the federal government must be a leader, a partner and a supporter of local, public schools. We agree that federal dollars and efforts must be targeted on the neediest students and work to address the achievement gap that plagues too many of our schools and communities.

Beyond policy goals, we agree on many specifics of this proposal—a strengthened, reform-oriented Title I program; accountability for federal dollars and for progress in increasing student achievement; public school choice; a clear class size authorization; targeting of dollars to needy children; and a significant reinvestment in the public schools. These are the core issues of the debate before us—and core areas of agreement that unite all Democrats.

In particular, they unite us against the bill before us, S. 2. A bill which abandons the federal commitment to needy students, to high standards for all children, and to the goals and progress of school reform. We all stand against this vision for America's children.

I do, however, differ with my colleagues on the extent of consolidation they propose in their substitute—the other issues can and were worked out in our alternative. On consolidation, I believe it is appropriate to carefully examine programs and focus our federal programs on areas that demand a national response. I supported many of the provisions of S. 2 which eliminate a significant number of programs—Goals 2000, School to Work—but I cannot go quite as far as my good friends go in their proposal.

I think what is lost is that all-important support of local programs in areas like after-school, school safety, education technology, character education, school readiness, and literacy. The efforts that focus attention, attract dollars and produce results.

Let me give you one example that I know well—after-school programs. The 21st Century Community Learning Centers program was created in 1994 and was first funded at \$750,000 in FY 1995; it has grown to \$453 million in FY 2000. It grew because it is focused on after-school, which we know is desperately needed, so we funded it, and funded it substantially. Thousands of grants of significant size flow to needy school districts to support strong, comprehensive after-school programs.

The proposal before us would eliminate this strong program and instead have a small portion of the dollars that

reach the local level go to support after-school programs. I believe this would not leverage change in this area; it would not attract the dollars needed and it would not meet our goals in as targeted a way. I believe we better leverage our dollars through our federal partnership directly with local schools in these areas than we would through a more generic funding approach such as offered in this bill.

So I cannot support this substitute today. I want to continue to work with my colleagues on these issues—their ideas have contributed a great deal to this debate. We made substantial progress putting together the Democratic Alternative, which we all supported. Our schools need many voices, many supporters and I welcome my colleagues to these issues, to this debate and ultimately to the effort to better serve our children.

We have had 25 or 30 hearings over the last year and a half or 2 years on the Elementary and Secondary Education Act, trying to get at the very issues and develop consensus. Participation is strongly welcomed. I look forward to an ongoing process.

This does not end today, tomorrow, or the next day but will take some time to reach the level of success we want accomplished in our public education environment in this country.

I thank my colleague for yielding, and my compliments to the authors.

Mr. WELLSTONE. I am pleased to yield.

Mr. LIEBERMAN. Mr. President, briefly, if I may respond to the two questions, and I appreciate the comments of my colleague from Connecticut.

It has been a pleasure, as always, to work with the Senator and others. We have made progress. I am grateful for his acknowledging that. I am also grateful for his long-time progressive leadership in this whole area of public education. I thank my friend from Minnesota for his kind words about the bill.

I respond briefly to the two good and fair questions. We struggled with both of them, particularly the question that if we set up a system where we give more money for education, and we want to reorient the program so we are not just arguing about how much money we will send or, when the auditors come from Washington, they do not just ask if we are spending the money in the particular paths we were told to spend it in, but that somebody asks: What is the result? Are the kids educated?

That is what we want to see happen, to put teeth into it. We believed we had to reward and punish. We have bonuses for schools and States that do well. How do we have answers without punishing the kids? That is a struggle. One answer is that the kids, particularly poor kids, are too often punished by the status quo because they do not get a good education and they are trapped by income. They have nowhere else to

go even though their parents clearly want a better way.

We have set this out over a period of years and allowed the States themselves to set the standard of adequate, clear progress. We are not setting an absolute standard. We are saying: You set the standard for each school district, for each school. The standard is, how much do you want to improve each year from the base, where they are now—not where an idealized base might be but where they are now.

Our first sanction: When a school fails to achieve its adequate clear progress for 2 years, it goes on to a "troubled" list and extra money comes in to help the school. If after 4 years it does not get raised—the kids are the victims, they are being punished—at that point, the bill says the school system has a choice: Radically restructure the school into a charter school, perhaps, or something similar within the public school system, or close it and give every child and their parents the right to go to a higher performing public school in the district.

Beyond that, if the State continues not to make the adequate yearly progress, the Senator is right, after 3 years they get 50 percent taken from the State administrative budgets. That was our attempt to impose penalties without hitting the kids.

Finally, after 4 years, if there is no adequate yearly progress, something is really wrong, then we take 30 percent of title VI, the public school innovation title. Yes, that reduces some programs that could be enrichment and improvement programs, but at some point we have to put teeth in the system to make it work.

In no event, I stress to my friend from Minnesota, do we ever take any money away from title I for disadvantaged kids. That, we thought, would be unfair. We will not touch the basic program to help disadvantaged kids learn better.

I was surprised that in my State of Connecticut when we introduced the bill, the area of the bill that got the most concern was from the paraprofessionals themselves who feared we were going to force them to get a college degree or put them out of jobs. Our aims are exactly what the Senator has said. I was surprised to learn that 25 percent of title I money around the country is spent on paraprofessionals. Some of that is very well spent because they supplement what the teacher is doing or they provide nonteaching support for children which can be critical to the child's ability to learn.

Our basic aim is what the Senator from Minnesota said. Let's not short-change poor kids by asking paraprofessionals who are not trained to be teachers to be their teachers. Suburban schools would not accept that. We shouldn't accept it for our poorest children. Let's try to help them upgrade themselves. Also, we provide State-adopted certification programs for the paraprofessionals.

I hope my answers have been responsive.

Mr. WELLSTONE. Mr. President, since the Senator was responding to my concerns, I have a couple of comments.

First, I absolutely meant to thank the Senator for his effort. I don't want this to be a deal where I love you on the floor and then vote against your amendment. I want to make it clear I am thinking it through before the final vote. I appreciate what the Senator said, but I still think it doesn't speak to the concern I am trying to register.

For example, if you don't get it right in terms of these kids, then you are going to be cut. The problem is, there are other kids in the schools who may not be title I kids but they also need the help. The reason for that is title I is funded at the 30-percent level. In Minnesota, in St. Paul, when you get to a school that has fewer than 65 percent low-income kids, they don't get any of the money. All other schools get some of the money. There are a lot of other kids affected by cuts in the programs.

I am all for putting "teeth" into this. Again, I think the Bingham amendment goes in the direction of accountability, and he talks about reconstitution. There are some definite proposals that do have teeth that say, look, we have to be accountable. I think ultimately it is a mistake to have your sanctions and trigger the cuts in what little assistance we give. We will end up cutting some of the scant resources we do give to schools which help kids.

I do not believe we should do that. I am going to make that point again, especially since I do not think we have in the Congress done anywhere close to what we should do to live up to our national vow of equal opportunity for every child. I believe this is a mistake. We are hurting the wrong people on this.

On professional development, again I appreciate the sensitivity of my colleague's response, but I actually was saying one other point, which was I still think we can make it crystal clear. The Senator has the teachers doing the teaching when they should be doing the teaching, but I do not understand why we have such an inflexible requirement that the only additional paraprofessionals hired would be hired to replace paraprofessionals. Some school districts say they need additional assistants who can help them do more one-on-one work.

I yield the floor.

THE PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I commend my colleague from Connecticut for his leadership on this issue, and I also commend my colleague from Indiana, whose insights as a former governor have been invaluable. A group of us have joined with them to call for a change in the role the Federal government plays in its

partnership with our States and local governments in the area of education.

Before I begin, I would also compliment our great colleague from the State of Massachusetts for his leadership over the years—actually over the decades and throughout his entire lifetime—for being a tireless champion for education, particularly the education of children who are poor, children out of the mainstream, and children who are disabled. I thank him for his leadership.

There is a growing number of us in Congress who feel the need to stand up and say no to maintaining the status quo; that the status quo, while there is some incremental progress across the board in education, is not enough, is not happening quickly enough, and is leaving behind millions and millions of children, many of whom are least equipped with resources and families to help to educate them.

As I said a few weeks ago, in 1965, when the Federal Government first stepped up to the plate, the Elementary and Secondary Education Act, as signed by President Johnson, was 32 pages long and contained 5 programs. Today, the current law is 1,000 pages long—1,000 pages of instructions, prescriptions, unfunded mandates and micromanagement from the Federal level. It contains over 50 programs, 10 of which are not even funded.

At that time, the world of education was much different. In 1930, there were 260,000 elementary and secondary schools. Today, there are 89,000. Schools were smaller. Children were given more individual attention. Despite the tremendous increase in population, one can see the numbers of schools have declined.

Years ago, there were qualified teachers in the classrooms, because, to be very honest, while teaching was and still is wonderful, the fact is, laws, customs, and traditions barred many exceptional women and exceptional minorities from any other line of work. So the profession of teaching was the great beneficiary.

Today, that is no longer the case. Women and minorities are moving into different fields. Our schools have become larger and the demands on teachers have become greater. As a result we have less qualified individuals attracted to the field of teaching when the need for high quality teachers is even greater than ever before.

Years ago—and not that long ago—school violence meant a fist fight on the school playground. Today, unfortunately, it means a loaded automatic weapon in a cafeteria. The use of drugs in schools is increasing. A lot has changed in education over the last 35 years.

People say the prize belongs to those who are the quickest, the swiftest, and the smartest. I think the prize belongs to people most able to adapt to change, and that is really the argument. It is about change. It is about the status quo not working for the vast majority

of our children. It is about the fact the world has changed. The facts supporting public education have changed. Yet we find ourselves in Congress, at least too much to my mind, arguing for more of the same: more programs and more money, not recognizing these fundamental shifts that have occurred.

The prize belongs not always to the swiftest and the smartest, but those most able to change. The Lieberman-Bayh amendment is about changing these 1,000 pages to give more flexibility to local governments to make better decisions about how to reach the children who need to be reached. It is about targeting the money to needy kids. When the first bill was passed by this Congress and signed by President Johnson, the intention was excellent, to bridge the gap between the advantaged and the disadvantaged. The intention was to use Federal dollars to invest in the education of poor children. This intention has been lost in these 1,000 pages. Under the present title I formula, a school need only have 2% of their children in poverty to be eligible for title I funding. As a result, 1 in 5 schools with between 50% and 75% poverty receive no funding at all. Our formula would do what Title I funding was intended to do, serve poor children.

Our amendment, the Three R's proposal, is about increasing flexibility and accountability at the local level. If we try to provide more flexibility to the States, but we also do not provide, along with that accountability, increased investments, at best it is an unfunded mandate, at worst it is a hollow promise.

We are actually doubling the funding, as the Senator from Connecticut has pointed out, for title I and targeting the money to be sure the new money is getting to the poor children, the disadvantaged children, and the children for whom we need to close the educational gaps. Along with the increased funding comes real accountability. The taxpayers will appreciate the fact we are not just dumping more money into a growing problem, but we are securing our investment in education and rewarding states who make real strides in closing the achievement gaps are closed quickly and in a more appropriate fashion.

Senator BAYH made reference to these numbers but did not focus on the specifics of this chart. I believe it is important for the American people to know the reason some of us refuse to accept the status quo. Mr. President, I am sure you will agree that test scores are quite startling; they are quite troubling.

This chart shows, the performance scores of several minorities on the 1996 NAEP. One will notice that under the status quo, under these 1,000 pages, while there have been some improvements, only 26 percent of the white children are proficient level in math, only 8 percent of Native Americans, 7 percent of Latinos, and 5 percent of African American children.

If we are not satisfied with these numbers—which I am not, and I do not think there are many in this Chamber on the Republican or Democratic side who are satisfied with these numbers—we need to do something different. Funding more programs with more money is not going to work.

In response to something Senator KENNEDY said—and I think he is accurate on this one point—money from the Federal Government represents only 7 percent. If these test scores are what is happening with 92 percent of the funding, then let's not continue to do the same things or give it all to the Governors. He is absolutely correct.

Obviously, the money is not targeted to help these kids increase their student performance; the State dollars, the 92 percent, is not targeted, because if it was, these numbers would be improving significantly. The answer is not to sit by and do nothing; the answer is to lead by example. Let the Federal Government begin by taking its 7 percent and targeting the poor children so these test scores can improve, and we hope the States, the Governors, and the local education authorities will take their money and do the same thing so we can improve these test scores.

This next chart shows the eighth grade math scores: 23 percent of all children, at the eighth grade level, are scoring at the proficient level; only 4 percent of African Americans; 8 percent of Latinos; 14 percent of Native Americans; and 30 percent of the Caucasian children.

But I would like to do more than show you the numbers. Here is a chart showing an excerpt from the recent NAEP writing test. I have heard too much on this floor that you cannot test kids, that the tests are too high stakes. I want to share this with you so you can understand how dire this situation is. I am a strong believer in tests. I believe we have to have some objective measure to see how well our children are doing or how poorly they are doing.

Perhaps the tests should not serve as 100 percent of what we use to judge whether a child should be moved forward or not, but clearly, we have to have, as well as parents and taxpayers have to have, some way to judge if the children are doing well or not.

For those who say we cannot test them, let me just read from a real test. This is from a fourth grader whose writing is rated "unsatisfactory." I am going to read it for you because you can hardly interpret it. But this represents what the National Assessment of Educational Progress rates as "unsatisfactory." This was written by a fourth grader. He was asked to communicate a minimal description of his room. He writes:

My room is very cool it white I got wester picture I got a king sides bed I have wester toys I got wester wall paper on my wall. I got wester t-shirt on my wall. I got

That is a writing sample of a fourth grader whose writing was rated "unsatisfactory."

Let me give you a sample of writing that is rated as "approaching basic" for a child in the fourth grade. This would be at a minimum. All States are different, but these are the kinds of tests we are talking about supporting in this amendment. This fourth grader is "approaching basic," is not at "basic" yet. But this fourth grader writes:

there to the left is my jeep and my cat. there to the right is my swimming pool and my dog and my waterguns. And to my left of my bed is my trampoline and maid. And by the wall is my roller blades and my nantendo—

spelled N-A-N-T-E-N-D-O—

60 four.

These two samples represent the writing skills of over 50% of those in public schools. 50% of these kids can't master spelling or formulating sentences. We have to do better than this in our public schools.

So I just want to argue that life is high stakes. We have to be supportive of tests—not a Federal test, not something mandated from Washington—but we have to be about accountability, about real testing, so we can tell whether our children are reading, whether they are able to compute. We have to be able to identify what schools are not performing, not so we can punish the children or punish the parents, but so we can help them.

In conclusion, let me say, again, times have changed. The status quo is not sufficient. The amendment we have outlined, the Three R's, gives greater investment, greater accountability, greater flexibility, and more choice. Hopefully, it will spur greater outcomes faster so that children do not lose the only opportunity they have—one life, one chance at education—so they can graduate with a diploma that means something and go on to have a job, a career, and build a life they can be proud of in the greatest democracy on the face of the Earth. To do any less is falling down on our job.

No system is perfect. I will only conclude by saying that perhaps the amendment we offer is not perfect, but it is offered with great sensitivity and great commitment and great dedication, to urge both sides to try to move away from the rhetoric and move to recognizing the failings of the current system.

We do not want to abandon public schools and move to total block grants or total vouchers, but we want to move to a bill that creates the right kind of partnership, where kids can learn, parents are happy, taxpayers are happy to give money because the system is working, teachers are feeling fulfilled—most importantly, children are learning. That is what our amendment attempts to do.

I urge my colleagues, on both sides of the aisle, with all due respect to the other issues that have been talked about, to adopt our amendment, to move us in a new direction, away from the status quo, to a chance where children can actually learn to read, to

write, and to compute, and to take advantage of the tremendous, unprecedented, historic opportunities that exist in the world today.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Under the previous agreement, the Chair recognizes the Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Louisiana for her insightful remarks, and particularly with regard to what is too common, where our schools are not performing and our students are not performing at the level at which they need to perform.

We have a responsibility to make sure what we do in this body facilitates improvement in the system we have today—a system that has been in place for 35 years and is producing the kind of results that have been shown.

This is certainly a time for review and change, for altering and improving. To suggest we cannot do that is beyond credibility. We absolutely can improve what we are doing. We need to. We have to make sure that what the Federal Government does is a positive event with regard to actual learning in the classroom—which is what this is all about—and not a negative impact on learning in the classroom.

In a minute, I am going to share some examples of a Federal law that is absolutely undermining the ability of local school systems to educate, to create a learning environment where kids can reach their maximum potential. Wouldn't it be awful if we passed a law in Washington that actually made it more difficult to create a learning environment in the classrooms of America? The truth is, we have. We need to change that.

I appreciate what the Senator from Louisiana said about testing. There are limits to what testing can show, but when you test thousands and thousands of kids all over a State, you can know whether or not those kids are basically performing at the grade level at which they ought to be performing. We can learn that from a test.

I do not believe in a Federal test. That would be the Federal Government saying to the 50 States, that provide 94 percent of all the money for education in America: This is what your students must learn. If they don't pass this Federal test, they are not learning adequately, and therefore we have in Washington this school board of 100 Senators who would have to decide what is important and crucial in America.

I do not believe in that. I think that would be against our history. It would be against the policy of this Nation since its founding because schools have been a State and local instrumentality. The Federal Government has only been able to assist marginally. In some ways, we have contributed to its downfall in undermining education.

The test scores are important. Over a large number of people—not for every

child—they give us very accurate indications of whether learning is occurring. I support that. In fact, I have been on the Education Committee a little over 1 year. We have many debates about accountability. Our friends on the other side of the aisle say: We need more accountability. Your plan, SESSIONS—this idea of turning more of the money over to the schools so they can use it as they see fit within their system—lacks accountability.

But I say to you, the present system totally lacks accountability. The system that has been proposed by the Members on this side has absolutely the kind of accountability that should be part of an education bill.

For example, we have approximately 700-plus education programs in America. Do you think that is not true? Would you dispute that with me? We have over 700 education programs in America, according to the General Accounting Office. Isn't that stunning? If a school system wants some money out of a program, they have to have a lawyer and a grant-writing expert just to find out where the money is and how it might be available to them. Many of these programs are ineffective and should not be continued.

We have all of these programs. What our friends on the other side of the aisle are saying, too often, is—I don't think my friend from Louisiana is saying this, perhaps—if you don't have strict rules about how this money is spent, and you can only spend it for a specific thing, you don't have accountability.

What do we have today in America? We have the Federal Government spending billions of dollars on education. We are pouring that money into schools right and left, and many of the school systems have a total inability to create a proper learning environment, and education and learning is not occurring.

Is that accountability? They may be following all the paperwork and spending the money just as they said, but the fundamental question of education is learning. If learning is not occurring, then we are not having accountability, are we?

What this program says to every school system in America—at least the 15 that choose it, and perhaps others in different ways, but 15 States in this country, if they choose it, would be able to have a substantial increase in their flexibility to use Federal money, with less paperwork, less rules, and less complaints about how they handle it. The only thing they would be asked to do is to create a testing system and an accountability system in their school system that can determine at the beginning of the year where children are academically, and go to the end of the year and see if they have improved.

What else are we here about? What is education about if not learning? That is the only thing that counts. That is the product of all of our efforts. It is

not how many teachers, how many buildings, how many textbooks, or how many football fields they have. The question is, Is learning occurring? This way we would have that. The school systems would basically say to the Federal Government: Give us a chance. You give us this money and let us run with it. Let us create a learning environment we think is effective. Give us a chance and we will put our necks on the line. We tell you we are going to increase learning in the classroom and we are going to have an objective test to show whether or not we are doing it. If we don't do it, we will go back under all your rules and paperwork.

There is a myth here, and some have denigrated the role of Governors. But I don't know a Governor in America who isn't running for office and promising to lead and do better in education.

I see the Senator from Georgia. Do we have a time problem?

Mr. COVERDELL. We are under a little bit of a constraint.

Mr. SESSIONS. I will finish up soon.

In Alabama, our general fund budget, where all the funds are appropriated, is \$1.2 billion. The education budget in Alabama is almost \$4 billion. Do you hear that? In Alabama, we spent almost \$4 billion on education and \$1 billion on everything else. Do you think the Governor isn't concerned about that? Do you think the State legislature is not concerned about that? The primary function of State government in Alabama, and in every State in America, is education. That is where the responsibility needs to be, and that is where we need to empower them to use creative ideas to improve the system.

I have offered an amendment on the subject of special education; IDEA regulations are disrupting our classrooms. We have examples in our State of two people bringing a gun to school and one being put back in the classroom because he is a special student. The other was kicked out for the year as is every other student. We have created a separate rule of law, a separate rule of discipline, by a Federal mandate from Washington, in every schoolroom in America.

I have been in 15 schools this year in Alabama. This is one of the top concerns I hear from teachers and principals everywhere. They are concerned about that. I think I will talk about that later. I talked about it previously. I will also talk about this regulation, this Federal mandate, that is clearly not a help to the States but a major detriment. It is bigger and stronger and more burdensome than most people in this country have any idea. I think we need to talk about it more.

I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, to clarify the sequence of events, we had a unanimous consent agreement that recognized Senators back and forth. We got off of it. I am going to suggest this.



I have talked to the Senator from Florida, and we will hear from Senator COLLINS for a few minutes, then Senator GRAHAM, then a Republican, and then Senator LINCOLN. Then we will be back in order.

Mr. GRAHAM. Mr. President, are we going to break at 12:30?

Mr. COVERDELL. Mr. President, I think we will try to accommodate another 5 or 10 minutes so these Senators can be heard. I think the appropriate recognition would now be the Senator from Maine, briefly.

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

Ms. COLLINS. Mr. President, I thank the Senator from Florida. I rise to commend the Senator from Connecticut, the Senator from Florida, the Senator from Arkansas, the Senator from Louisiana, and all of those who have been involved in putting together the Lieberman amendment, for their efforts. It is a typical approach taken by the Senator from Connecticut to so many legislative issues, in that he is looking for a responsible and responsive approach that is innovative and attempts to bridge the partisan gap.

I don't support all of the provisions of the Lieberman amendment, but I commend the Senator and his cosponsors for recognizing that we do need to take a new approach, that we need to focus on whether or not our students are learning, rather than focusing on whether paperwork and regulations are complied with.

I commend the authors of this legislation for their efforts to focus the debate on giving States and local school boards more flexibility in using Federal funds to meet the greatest need in their communities. I also commend them for focusing on accountability, for making sure our Federal education efforts bear the fruit of increased student achievement, and help to narrow the gap that troubles all of us in the learning of poor children versus those from more affluent communities and affluent families.

One of the reasons we need more flexibility in using Federal funds can be found in Maine's experience under two Federal programs. Maine is fortunate in having small classes. In the classes in Maine, on average, the ratio is only 15 to 1.

So our problem and challenge is not class size. Yet Maine had to get a waiver to use the Federal class size reduction moneys for professional development which is, in many schools in Maine, a far greater need than the reduction of class size. One school board chair, from a small town in eastern Maine, wrote to me that they have received \$6,000 under the Federal Class Size Reduction Program. Clearly, that is not enough to hire a teacher. They did receive permission from the Federal Government to use that effectively for professional development.

But my point is, why should this school system, or the State of Maine,

have to get permission from the Federal Government to use those funds for the vital need of professional development?

The second example I have discussed previously, and it has to do with Maine's effort to narrow the achievement gap between poor and more wealthy students in high schools. Maine has done an outstanding job—and I am proud of this—in narrowing the achievement gap between disadvantaged and more advantaged children in the elementary schools. In fact, it has virtually disappeared. So that is not the need under title I funds for the State of Maine right now. We still, however, have a considerable gap when those title I children get to high school.

Maine came up with a very promising approach that was put out by the Maine Commission on Secondary Education that set forth a plan for narrowing the achievement gap among high school students. But, here again, it required a waiver from Federal regulations for Maine to use its funding for this purpose.

So, again, I do think we need more flexibility and accountability. I commend my friends on the other side of the aisle for their steps in that direction. I hope we can continue to work and see if it is possible for us to come up with a bipartisan package we could support that would help bridge the partisan gap and make a real difference in the futures of our students.

I yield the floor.

Mr. REID. Mr. President, with the consent of my friend, Senator COVERDELL, I ask unanimous consent that immediately following the scheduled vote at 2:15 there be 2½ hours remaining for debate on the Lieberman amendment, to be equally divided in the usual form, and that following the use or yielding back of time, the Senate proceed to vote in relation to the pending amendment without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

Mr. GRAHAM. Mr. President, I commend the Senator from Maine for her very thoughtful remarks. She focused on the large issues that are appropriate for the Senate, and she spoke in the spirit of the importance of what we are dealing with, the future of American children, and the necessity that we approach it with a level of seriousness and bipartisanship. I thank her for her very succinct, extremely valuable contribution to this debate.

In that same vein, I wish to share an observation that some of us heard recently by a prominent American historian, Steven Ambrose. He is best known for his numerous books on military history, particularly on World War II, but he has also written a Pulitzer prize-winning book on the Lewis

and Clark Expedition—an expedition which opened up much of America to serious study and exploration. It was an expedition that took place between 1804 and 1806. It comprised traversing some 7,600 miles of the recently acquired Louisiana Purchase in the northwest corner of the United States. What Mr. Ambrose pointed out is that the average length of each day of the Lewis and Clark Expedition was 15 miles. But the techniques used by Lewis and Clark between 1804 and 1806 were exactly the techniques that Julius Caesar would have used if he had the same assignment, which is to say that for a period of over 2,000 years their had been virtually no progress in man's mastery of the field of transportation. Since Lewis and Clark, in less than 200 years, we have had an explosion of transportation advancement. We are now in the process of building in space an international space station which will become the platform for which we will explore the universe.

That is how much progress we have made in 200 years after 2,000 years or more of stagnation. What is the explanation? What has happened that last allowed us to make this much progress?

According to this eminent historian, the single most significant fact that has allowed the 200 years of progress has been the fact that we committed ourselves as a nation—and much of the world—to the proposition of universal education; that we are allowing, for the first time in the history of mankind and in the last 200 years of America, hopefully, every human to reach their full potential.

He used the example of the Wright brothers. If the Wright brothers had been born 100 years earlier—just four generations earlier than in fact they were born—by all accounts, given the nature of their family and its economic and social standing, both of the Wright brothers would have been illiterate, and therefore the world would have been denied the ingenuity which played such a critical part in all of these great advancements which now benefit all of us.

We are not talking about a trivial issue. We are talking about a fundamental issue that has reshaped America and reshaped the world in the last two centuries, and which will reshape us again in this new 21st century and the centuries beyond. We are dealing with one of the most basic issues facing the world and America.

I am pleased that the Senate's new Democrats, with much of the membership having spoken on the floor this morning, have taken on this issue as our first contribution to the policy today in the Senate. That is, I hope, illustrative of the seriousness of our group and its desire to be a constructive part of helping the Senate and the American people develop policy in basic areas such as education.

I think we would all agree that there are certain important principles that

we should look at as we approach what the Federal role should be in education. Those would include words such as "accountability," "reward," "excellence," and "resources."

On February 5, I asked a group of Florida educators to meet together in Tampa to discuss what they believe, based on their professional experience, to be some of the priorities the Congress should look at as it reauthorizes the fundamental education act for our Nation, the Elementary and Secondary Education Act.

Here are some of the responses from this group of educators.

First, not necessarily in priority on their points, was the importance of additional resources; that if we are going to achieve our purposes, we must have a Federal commitment as well as a State and local commitment which is commensurate to the challenge that is before us.

The RRR response to this request: It will increase the Federal role in education by more than \$30 billion over the next 5 years, the most significant increase in funding since the program was established in 1965.

To underscore the importance of this, we talked about the implications of this chart. This chart is an attempt to indicate what has happened in America over the last 150 years in terms of the requirements for self-sufficiency by an older adolescent or young adult in America.

In 1850, there was a relatively limited amount of knowledge required to be self-sufficient. Literacy was not such a requirement. Many Americans functioned very effectively at a high level of self-sufficiency without being able to read or write in 1850.

Today, there has been a four-time explosion in the requirements of knowledge for an American to be self-sufficient. That explosion has not been a straight line. It has been an explosion driven by technology. Note the major increase in the knowledge demands that occurred in the late and early 20th century commensurate with the movement of America from a rural economy to an industrial economy. But the big increase has come well within our lifetime.

Coincidentally, it almost starts at the time the first Elementary and Secondary Act was passed in the mid-sixties with an explosion of knowledge requirements as Americans entering the workforce had significantly greater expectations of what their skill level would be, particularly in areas of mathematics and communication skills.

Mr. President, the second aspect of this chart is an attempt to indicate that one of the fundamental relationships in the acquisition of knowledge by Americans has been the relationship between what the family can contribute to that knowledge and what is provided by a formal educational institution, which we typically refer to as a school.

In the 1850s, the family provided more than half of the knowledge of their children. Typically, they were doing so by educating the children to be able to read and write to achieve that level of literacy.

It was the development of science and technology that began to effect the relationship of what a family and what a school was expected to provide to children's education. As science and technology has become more pervasive and more complex, the relative proportion of knowledge provided by the school and that which could be provided by the typical family has altered.

Whereas, in 1850 the family was providing two-thirds of the education, today the school is providing about two-thirds of the education.

The significance to me of this chart is the challenge that we as a society have to assure that all American children have an opportunity to acquire this much greater level of education; that our schools which are being called upon to provide a larger and larger share have the necessary resources—human resources, financial resources, and resources of support by the community—in order to carry out their responsibility.

We are going to be voting shortly on some major trade agreements with Caribbean countries—Central American countries, African countries, and China. One of the recurring realities of all of those trade agreements is that we are opening our markets broader and broader to countries whose standard of living and whose per capita annual incomes are dramatically lower by factors of 20, 30, 40 times what they are in the United States.

The only way the United States is going to be able to compete and maintain our standard of living is to assure that all Americans are getting this level of knowledge so that they can be full participants in the most effective and most competitive economy in the world—the economy of the United States of America.

Again, this chart underscores the seriousness of the issue we are considering.

We spent a good deal of time at that Tampa meeting with educators discussing this chart and its implications. The educators told me in addition to resources, they wanted more flexibility, the opportunity to adapt to the specific needs of the communities and the children they serve. That is the approach taken in the RRR program. We focus on results more than process and, thus, allow more flexibility to achieve those results. The educators said they don't mind accountability if there are resources there to realistically achieve the goals that have been sought. RRR demands accountability but provides the resources needed to accomplish these goals.

Not only do we increase the total amount of resources by some \$30 billion over 5 years, we also target these resources to the children who are most in

need. When President Johnson talked about America's role in education, he was specifically talking about the chasm that existed between the abilities of poor children and more advantaged children to achieve what would be required to be competitive in the world.

The Federal role has been targeted at these at-risk children. We need to refocus our commitment. I am sorry to say there has been a tendency for the formulas that distribute Federal education money to succumb to the temptation to have everybody get some piece of the Federal dollar. The consequence of that is the funds have been so diluted we have been unable to focus a sufficient quantity on those children who need it the most and who are most dependent upon that additional Federal support in order to be able to achieve their educational needs.

Our very focused and stated position in the RRR legislation is that we believe, as a nation, this Congress needs to recommit ourselves to the proposition that the purpose of Federal assistance is to aid those children who are most at risk and that we should demonstrate that commitment by having a formula that targets the money to those children who are greatest in need. With that, we can then talk seriously about accountability.

The Senator from Alabama talked about what I call process or product accountability where we count the number of books in the library. There are other forms of accountability that assess overall student performance. The type of accountability we are advocating is an accountability that focuses on what the school and what the local educational agency can do to contribute to a student's educational attainment. It is what I describe as a value-added approach. How much did the school experience add to the educational development of the child?

I have been very critical of the educational assessment program which is currently being used by my State, by the State of Florida. The basis of my criticism is it does not assess the value added by schools; rather, it is an assessment of the total influences that have affected a student's performance. The most fundamental of those influences has nothing to do with what the school contributed but, rather, relates to the socioeconomic status of the family from which the child came.

I spoke on an earlier date and submitted for the CONGRESSIONAL RECORD a very thoughtful analysis of the Florida plan by a professor at Florida State University, Dr. Walter Tshinkel. In that assessment, Dr. Tshinkel took the schools in Leon County, FL, which is the county of which Tallahassee, the State capital, is the county seat, and observed that if you looked at the affluence and poverty statistics of the various neighborhoods in Tallahassee and Leon County and assigned a letter grade based on that data alone without testing a single student, that 26 of the

33 school districts in the Leon County School District would have received exactly the same grade as they did when student test scores were taken into account.

That says to me what we have been essentially testing in Florida is not what the school contributes, but the socioeconomic status of the children who come into that school.

Professor Tshinkel went on to say if, in fact, you did assess on value added, what the school had contributed, you had almost a reversal of results. Schools that got F's actually should have gotten A's because they did the most to advance the students for which they had responsibility, and the schools that got A's should have gotten F's because they started with a very advantaged group of students and did not make that great of a contribution to their educational advancement.

RRR provides accountability for what the schools can be held accountable for, what they can reasonably contribute to a student's development and hence a student's performance.

Another topic discussed at our Tampa roundtable was professional development. It was very helpful that most of those who participated were current classroom teachers. These teachers are yearning for new avenues for professional development, for the time to be able to take advantage of these opportunities. The RRR will allow this to happen with a major new national focus on seeing that all of our teachers—those who are entering the profession and those who are at an advanced position as professional educators—have an opportunity to continue their professional development and enhancement. We can only do this in a comprehensive manner.

We believe strongly these principles are a key to achieving the challenge that America faces to provide the knowledge necessary for all Americans to be able to compete effectively in this rapidly changing world in which we live.

If this line on the chart of the increased need for knowledge to be self-sufficient in the world as it exists today is a harbinger of where that line would go in the 21st century, the challenge for American education and the challenge for this Congress to be responsive to the Federal role in education is a stunningly great challenge that requires the most serious attention of the Senate.

I thank all of my colleagues who have contributed to this debate, who have worked to bring forward to the Senate a proposal I believe is worthy of our task. Every 6 years we have a chance to analyze the programs that affect American children, from kindergarten to the 12th grade. This should be an opportunity not just to tinker around the edges, not just to make minor course corrections, but to look at the challenge we face to assure all American children, particularly those who enter the classroom with the least

advantages, will have an opportunity to be successful, and through their success to contribute to the success of America.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KYL].

## EDUCATIONAL OPPORTUNITIES ACT—Continued

### VOTE ON AMENDMENT NO. 3126

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, the Senate will proceed to vote in relation to amendment No. 3126. The yeas and nays have not been ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3126. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nebraska (Mr. HAGEL), the Senator from Delaware (Mr. ROTH), and the Senator from Tennessee (Mr. THOMPSON) are necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—97

Abraham	Enzi	Lugar
Akaka	Feingold	Mack
Allard	Feinstein	McCain
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Mikulski
Bayh	Gorton	Moynihan
Bennett	Graham	Murkowski
Biden	Gramm	Murray
Bingaman	Grams	Nickles
Bond	Grassley	Reed
Boxer	Gregg	Reid
Breaux	Harkin	Robb
Brownback	Hatch	Roberts
Bryan	Helms	Rockefeller
Bunning	Hollings	Santorum
Burns	Hutchinson	Sarbanes
Byrd	Hutchison	Schumer
Campbell	Inhofe	Sessions
Chafee, L.	Inouye	Shelby
Cleland	Jeffords	Smith (NH)
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Coverdell	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thurmond
Daschle	Landrieu	Torricelli
DeWine	Lautenberg	Voinovich
Dodd	Leahy	Warner
Domenici	Levin	Wellstone
Dorgan	Lieberman	Wyden
Durbin	Lincoln	
Edwards	Lott	

NOT VOTING—3

Hagel

Roth

Thompson

The amendment (No. 3126) was agreed to.

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

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

The motion to lay on the table was agreed to.

### AMENDMENT NO. 3127

Mr. KENNEDY. Mr. President, I believe we have an agreement on the time on our side. Am I correct?

The PRESIDING OFFICER. Two and a half hours on the Lieberman amendment equally divided.

Mr. KENNEDY. I think we had an understanding with our colleagues that the distinguished Senator from Arkansas was going to be recognized to speak at this time for up to 15 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Thank you, Mr. President. I also would like to thank all of my colleagues who have worked so diligently on these issues, and particularly Senator LIEBERMAN and Senator BAYH who I have been working alongside on the proposal that is before us right now. I also would like to compliment Senator KENNEDY's staff for all the work they have put in, as well as the wonderful bipartisan spirit that has been shown by Senators GREGG, COLLINS, GORTON, and HUTCHINSON in trying to bring about this issue of great importance on behalf of our Nation and on behalf of our children.

I am proud to join my colleagues on the floor today to talk about a bold, new education plan that we hope will provide a way out of the current stalemate over reauthorizing ESEA. I must admit that I am disappointed because so far we have turned one of the most important issues we will debate this year into yet another partisan standoff.

I can't tell you how frustrated I am that we face the real possibility that our children will be forced once again to the back of the bus while partisan politics drive the legislative process off a cliff.

I would like to focus on a comment that was made by one of my colleagues earlier in this debate. Senator LANDRIEU mentioned that we had one chance at reaching each of these individual children in our Nation who are the greatest blessings in this world.

Each year we fall behind in making the revolutionary changes to move our educational system to where it needs to be in order to provide our children with the source of education they need in order to meet the challenges of the coming century. Each year that we fail to do that—if that happens this year—is one year in a child's life that we cannot replace; one year in a child's life that cannot be reproduced or given back to them in terms of what they need to know to be competitive.

If I have learned one thing since my first campaign for Congress in 1992, it

is that when voters send you to Washington to represent them they mean business. They expect leadership and they want results, and rightly so because they deserve it.

As parents, we certainly all understand one of the things that we will fight the hardest for, and that is benefits for our children.

The American people want us to get serious about educating our children in new and innovative ways that will allow them to learn and meet the challenges of the future.

I firmly believe we have a responsibility to pass a reauthorization bill this year that will improve public education for all children. That means working together until we reach an agreement a majority on both sides can support. Waiting to see what happens in the next election should not be an option.

Last week, I supported one alternative to S. 2 offered by Senator DASCHLE. It didn't contain everything I wanted, but after I and other Members expressed some initial concerns, we reached an agreement that reflected my key priorities on accountability, public school choice and teacher quality. Every Senator on this side of the aisle supported that proposal, but we didn't get one Republican vote.

At the same time, I don't know any Member on our side who is prepared to support the underlying bill that the President has indicated he will veto unless substantial changes are made. So it is clear that both sides have to give some ground in this debate if we have any chance of crafting a compromise proposal that the President will sign into law.

The Three R's amendment we proposed today helps bridge the gap on both sides of the debate over the role of the federal government in public education. Our bill synthesizes the best ideas of both parties, I believe, into a whole new approach to national education policy.

It contains three crucial elements to improve public education—tough accountability standards to ensure students are learning core academic subjects, a significant increase in federal resources to help schools meet new performance goals, and more flexibility at the local level to allow school districts to meet their most pressing needs.

Essentially, under our proposal, the federal government would concentrate less on rules and requirements and focus instead, on what I know every Member of this body can and will support—higher academic achievement for every student.

In addition to being smart national policy, the Three R's proposal would dramatically improve education in my home state of Arkansas.

As I noted earlier, the RRR bill significantly increases the Federal investment in our public schools and carefully targets those additional dollars where they are needed the most. We, as a moderate group, find ourselves in an

unusual position of trying to change the law to actually enforce the original intent of that law—title I funds actually being targeted to the schools and to the students who need those resources the most. There is no doubt that we can only be as strong as our weakest link. That is why it is essential that in those poor school districts we make sure title I dollars actually get to where they were intended to go.

Statistics consistently demonstrate that, on average, children who attend low-income schools lag behind students from more affluent neighborhoods.

This is certainly true in Arkansas where the most recent test results indicate that students in the economically prosperous northwest region of the state outperform students in the impoverished Delta. These results also indicate that the disparity in student achievement between minority and non-minority students in Arkansas continues. It proves that in the past several decades we have not been eliminating the gap and disparity between haves and have nots.

I believe strongly that every child deserves a high-quality education and that the federal government has a right to expect more from our nation's schools. But we also have a responsibility to give public schools the resources they need to be successful.

The "Three R's" acronym can also apply to our efforts to improve teacher quality. In fact, this plan can best be summed up by Four R's: recruiting, retention, resources, and above all, respecting our teachers.

The difficulty schools experience today in recruiting and retaining quality teachers is one of the most enormous obstacles facing our education system.

In my State of Arkansas, somewhere around 30 percent or more of our teachers are under the age of 40. We are going to hit a brick wall eventually as our teachers begin to retire with no more younger teachers in our school systems.

If we do not provide the funds in order to make sure that teacher improvement and quality and retention are there, we will not have the teachers. We cannot expect students to be successful if they don't work with quality teachers. We can't expect quality teachers to stay in the profession if they don't get adequate training, resources, or respect.

In our bill, we include a 100-percent increase in funding for professional development for teachers. I think that is absolutely essential in supporting our educators for them to be able to provide for our students. That is why I believe we in Congress must do our best to help schools meet the challenges we are setting forth today.

Most experts agree teacher quality is as important as any other factor in raising student achievement. The amendment we are debating would consolidate several teacher training initiatives into a single formula grant pro-

gram for improving the quality of public school teachers, principals, and administrators. This proposal would increase professional development funding by more than 100 percent, to \$1.6 billion annually, and target that funding to the neediest school districts. In my home State of Arkansas, this will mean an additional \$12 million for teacher quality initiatives. In my book, that is putting your money where your mouth is.

In addition, the RRR would give State and school districts more flexibility to design effective teacher recruitment and professional development initiatives to meet their specific needs. No two school districts are alike, and there is no one size fits all for the school districts of this country.

One overreaching goal we propose today is to require all teachers be fully qualified by 2005. Even the best teachers cannot teach what they don't know or haven't learned themselves. To be successful, we must work harder to reduce out-of-field teaching and require educators to pass rigorous, State-developed content assessments in the subject they teach, not a Federal test but those that are designed by the State.

I have the highest respect for the teachers, principals, and superintendents who dedicate their talent and skills every day to prepare our children for tomorrow. I think they have some of the hardest and most important jobs in the world. Our Nation's future, in large part, depends on the work they do. We should be reinforcing them. Our teacher quality proposal is an example of how, by combining the concept of increased funding, targeting flexibility, and accountability, we can join with States and local educators to give our children a high-quality education.

There is much more to say today about this approach of the amendment of Senator LIEBERMAN and Senator BAYH that Members such as myself have sponsored. I know there are others who want to speak.

Before I close, I truly think this is the question we must ask ourselves: What, honestly, is the best thing for our children in this country? I say to my colleagues, if you want accountability from local schools, our proposal has it. If you want more targeted, effective national investment, take a look at the amendment that was produced by Senator LIEBERMAN. Do we want more qualified, better trained teachers, investing in their professional development, with flexibility at the local level? Do you want higher minority student retention rates, which should be the objective of all Members? We have those answers in this amendment and in our bill.

We have one chance at producing something on behalf of our most treasured blessing in all this world, our children. Please, colleagues, let's not lose that chance. Let's not disappoint our children in this country and, more importantly, the future of this country. Let's put party politics aside. I think

the RRR in the LIEBERMAN-BAYH proposal is the right approach to improve student achievement in every classroom.

I thank my colleagues for their involvement in this amendment and certainly in this debate. More importantly, I encourage all Members to remember what it is we are here to do and who, more importantly, we are here to do it on behalf of, our children.

Mr. KENNEDY. Mr. President, I yield myself a moment.

I commend my friend from Arkansas. The Senator from Arkansas has a varied and wide agenda of public policy issues. I think all Members in the Senate know the issue of teacher quality and recruitment and also how to get quality teachers in rural areas and underserved areas. That has been an area of great specialization. Those who had the alternative have benefited from her knowledge, including Senator LIEBERMAN, as well from her energy in these particular needs and by the very sound judgment of her positive suggestions. I thank the Senator. She has placed the important aspect of education on her agenda and we have benefited from her interaction and her recommendations.

Mr. JEFFORDS. I yield 10 minutes to Senator BUNNING.

Mr. KENNEDY. I ask unanimous consent the principal author of the amendment be recognized for 2 minutes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Senator from Massachusetts.

I thank my friend and colleague from Arkansas, Senator LINCOLN, not only for a superb statement on behalf of this amendment but for the work the Senator has done as we developed the proposal, for the practical experience and common sense she brought, specifically for her genuine advocacy for children, particularly rural poor children.

I thank the Senator for that and for her excellent statement.

I ask that Senator FEINSTEIN of California be added as a cosponsor.

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

Mr. LIEBERMAN. Mr. President, this brings to double figures the cosponsors. We now have 10 cosponsors. We are proud to have the Senator from California with us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, we have been debating the future of the Federal role in education. Specifically, we are looking at who will take the lead role in educating our children. Will it be the Federal bureaucrats in Washington, DC, or will it be the teachers and parents who are closer to the children and understand their needs better?

Last week, President Clinton went on an education tour that I think can answer those questions. His tour took him to four cities: Davenport, IA; St.

Paul, MN; Columbus, OH; and Owensboro, in my home State of Kentucky.

That is, we think the President visited Owensboro. I am one Kentuckian who is not sure the President ever made it there. The President's web site has something of a travelogue on his trip, the supposed trip the President made, that says President Clinton's school reform tour started in Owensboro, KY. Look closer and one will notice something is wrong. Apparently, Owensboro is not in Kentucky anymore. In fact, it looks like Kentucky isn't Kentucky anymore; it has moved to Tennessee. I find this terribly interesting.

We Kentuckians have nothing against Tennessee except, of course, when the Wildcats are playing the Volunteers. We like Owensboro in Kentucky, right where it is.

While he was in Owensboro, if that is where he really was, the President spoke about his Federal programs that require States to spend Federal money on Washington's priorities. The President thinks this is a good approach. When I look at the President's map that approach troubles me, and it is not just because the White House cannot tell Kentucky from Tennessee. If you will notice, western Kentucky is no longer there; it has been annexed by Illinois: No more Paducah, no more Mayfield, no more Murray.

I have some good news for my friends down there, and I have some good friends down there who have sent me word that they want to stay in Kentucky. I wonder if they know this administration sold them off to Illinois. The truth is, some of us do not know where President Clinton was for sure. We know we have newspaper stories and video clips which report that he was seen in Owensboro plain as day.

But, on the other hand, we have the Federal Government, the source of all wisdom, which the President would have us entrust with the education of our children, telling us the President and the entire city of Owensboro, KY, is actually in Tennessee.

I trust the teachers and the parents in Owensboro, KY, with the education of their children. They know what is what.

When presented with a choice between handing over control of their children's education to the Federal bureaucracy in Washington, DC, or letting those decisions be made by someone who personally knows the names of those children, I trust they will make the right choice.

Mr. KENNEDY. Will the Senator yield?

Mr. BUNNING. I will, after I have finished.

This administration says they care for the children in Owensboro, KY, but they do not even know their names. Parents and teachers know their names and the needs of their children and students. I trust them. As the Senate continues this debate on this education

bill, I urge my colleagues to support education policies that truly return power to the people and away from the Federal bureaucracy.

Of course, it is very obvious there is one new Federal program needed, a program that is desperately needed—a geography class for this White House—because, quite literally, this administration cannot quite find Owensboro, KY, on the map.

Now I will be glad to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my colleague. I will take 2 minutes. I thank the Senator for yielding.

I had the pleasure of talking with the President of the United States on Wednesday evening after he came back from his trip. He told me about the school in Owensboro. I want to just give the assurance to the Senate that he told me it is one of the schools with the highest number of children receiving nutrition programs, which defines the disadvantaged children. They have a superb literacy program. They had small class size. They had a great emphasis on teacher training. It moved from one of the lower level schools, in terms of academic achievement, up to one of the top ones in Kentucky.

Is that correct?

Mr. BUNNING. That is very accurate. It is also accurate, there are very many other schools, not only in Owensboro but down along the border at Williamsburg and throughout many counties in Kentucky that have improved their educational facilities.

Mr. KENNEDY. Mr. President, on my time, I welcome that fact. I think it is worthwhile to take note about what has been happening in Owensboro and to try to share that kind of success story, which the President of the United States was extremely impressed with and quite willing to talk about. I have the notes back in my office about the percentage of progress that was made.

What he was talking about was well trained teachers, smaller class size, and support programs for children who are in need. Those are concepts we have tried to have in this program. I know we have some differences on that, but I wanted any reference to the President's trip to Owensboro also to relate the quality and very strong improvement in the education he witnessed down there. I think it is worthwhile taking note. We all ought to know what works and be encouraged by it.

I thank the Senator.

Mr. BUNNING. I would like to conclude by saying a former colleague of the Senator from Massachusetts is a little struck also, Senator Wendell Ford, because Owensboro happens to be his hometown. It is definitely in Kentucky.

I yield the floor.

Mr. JEFFORDS. Mr. President, if there are no supporters of the bill, I would like to yield 10 minutes to the Senator from Tennessee.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I understood we would go back and forth.

Mr. JEFFORDS. I think I represent those in opposition. If the Senator is in support of the amendment, then I believe he is right.

Mr. REED. I would like to speak about the amendment, not necessarily in support but speak about the amendment.

Mr. KENNEDY. I will yield 5 minutes.

Mr. JEFFORDS. I yield 10 minutes to the Senator from Tennessee.

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

Mr. KENNEDY. I want to object. I thought we might be going back and forth on this. If the Senator is on a particular schedule, I will ask the Senator from Rhode Island to withhold, but he indicated to me a preference.

Mr. FRIST. I will be glad to yield 5 minutes on the other side's time and be happy to follow that.

The PRESIDING OFFICER. Without objection, then, the Senator from Rhode Island is recognized for 5 minutes.

Mr. REED. Mr. President, I thank Senator FRIST, Senator KENNEDY, and Senator JEFFORDS.

I commend Senator LIEBERMAN and his colleagues for presenting a very thoughtful and principled alternative to discuss today. There are elements in this legislation which I support enthusiastically, and then there are other elements I do not accept and have great questions about. But the proposal of Senator LIEBERMAN along with colleagues underscores some critical points.

First of all, they underscore that the approach of S. 2—simply transferring money with very limited and ambiguous accountability provisions of the State—is not the way to reform accountability. Also, they recognized there is a legitimate State and local partnership that could be maintained and should be maintained, particularly in the context of title I.

They are also advocating a greater investment in education. That is something I know I agree with and I know many, if not all, of my colleagues on the Democratic side passionately agree with. Also, they advocate greater targeting of these funds into those low-income schools that need more assistance and, in fact, represent probably the best example why unconstrained State and local policy sometimes leads to bad outcomes.

If you look at the funding and the performance of schools in urban areas and low-income rural areas, you will see the combination of the property tax and local policies will lead to results, to outcomes we do not want. We at the Federal level have the opportunity and the resources to help a bit, at least, to change that outcome. Also,

it recognizes the importance of class size reduction and school choice. All of these are very important.

In addition, it recognizes very strongly the notion and the need for accountability. Senator BINGAMAN has offered an amendment. He worked on this measure, not just in this Congress but in the preceding reauthorization. I joined him in that work as a Member of the other body. This provision is an important one. It is not part of the Lieberman proposal. I think it is something we should emphasize.

I do, though, disagree with the approach they are taking to consolidate certain programs because one of the issues with consolidation is that you tend to lose both the focal point and also we typically design specific targeted programs to do those things which States are unwilling to do or are not doing at the same level of resources which are necessary to accomplish a national purpose.

We can see examples throughout our policies. School libraries, I use, inevitably, to point out the fact that back in 1965 we did have direct Federal resources going to help collections of school libraries. In 1981 we rolled them into a consolidated block grant approach, and, frankly, if you spoke to school librarians, they would point out the status of their collections, which are very poor, with out-of-date books, and they would also say how difficult it is to get any real resources from the localities or States. Frankly, that is the type of acquisition they can always put off until next year and next year, and before you know it, it is 5 and 10 years and these books are out of date.

I believe, too, the proposal the Senator from Connecticut and his colleagues are advancing does not recognize some of the other challenges facing our schools. The fact is, we do need to help the States and localities, apparently, to fix crumbling schools. One of the things I hear repeatedly from the other side is the wisdom of State and local Governors about public education. If that is the case, why are there so many decrepit school buildings throughout our country? Why are there so many children going to schools to which we would be, frankly, embarrassed to send children? It is not because people are either ignorant or evil at these local levels. It is because when you have a limited tax base, when you have many other priorities, when most of the local budgets are consumed by personnel costs, it is awfully difficult without some outside help—i.e., Federal help—to do certain things. One of them, apparently, is to ensure that school buildings are maintained at a level where we would not be embarrassed to send children.

There are schools in Rhode Island that are over 100 years old. They are crumbling. They need help. Every time I go into these communities, I do not have local school committee people and mayors saying: Go away; take your terrible, terrible Federal rules and reg-

ulations away from us. I have them imploring me: Can you help us get some resources from the Federal Government to fix up our schools? That is the reality, not the rhetoric and mumbo jumbo about big education bureaucrats and everything else. There is potential in the Lieberman amendment. Unfortunately, this aspect of putting all these programs together defeats the purpose.

I have two other quick points.

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

Mr. REED. Mr. President, I request 1 more minute.

Mr. JEFFORDS. I yield 1 minute.

Mr. REED. Mr. President, I thank the Senator from Vermont and the Senator from Tennessee for their graciousness.

I commend them particularly for bringing up the issue of increased resources and targeting. One of the ironies is, we who have been doing this over the last few years fought through the last reauthorization. Targeting of resources of title I programs is intensely divisive politically. Particularly Members of the other body do not want to see their allocation in title I funds decreased, even if they represent fairly affluent communities. It is one thing to talk about targeting, but it is something else to have the political will to engage in that. I tried it in 1994, along with others. We made moderate success. I would be happy to join the battle of targeting again, but I would be remiss if I did not point out the real challenges of getting a bill such as this through both Houses of the Congress.

Again, I thank the Senator from Tennessee for his graciousness, and I yield the floor.

Mr. JEFFORDS. I yield the Senator from Tennessee 10 minutes.

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

Mr. FRIST. Mr. President, I rise in opposition to the Lieberman amendment, although let me say right up front that there are several principles that are underscored in the amendment in which I believe wholeheartedly and that are reflected in the underlying bill to reauthorize the Elementary and Secondary Education Act. The whole idea of being able to collapse programs into a manageable number and the emphasis on student achievement are two concepts which are very important as we look forward to how best to educate the current and future generations of children in areas in which we are failing.

I remain very concerned, though, with the specifics of the Lieberman amendment in terms of the formula, the impact it has on a number of districts in Tennessee. The focus on teachers, which I believe is appropriate, in terms of it being critical that we develop an opportunity for every child to be in a classroom with an excellent quality teacher is an important one, although maintaining this whole approach of 100,000 teachers and dictating that from above is something I simply cannot support.

We just voted on an amendment which I believe directs us in a much better, more optimistic, potentially more beneficial direction, and that is empowering teachers, attracting teachers, and recruiting teachers through the alternative certification process in that amendment. Careers to Classrooms is what it is called.

We have not had the opportunity to adequately explain the importance of this now-accepted amendment, but it is important to understand and for us to spend a few minutes on it because it does underscore the importance of having high-quality teachers, attracting teachers, keeping them in that position because of the demographics and the shift we are going to see in teachers and retiring teachers.

This careers-to-classrooms approach complements what is in the underlying bill, that part of the bill that applies to teachers and is called the Teacher Empowerment Act. I have worked carefully and closely with Senator KAY BAILEY HUTCHISON from Texas in crafting this careers-to-classroom aspect of the bill.

As we look forward, it is important to understand the importance of that high-quality person, not just a person at the head of the classroom, but that high-quality teacher.

This aspect of the bill expands the national activities section of the underlying bill to allow additional funds for States that want, that wish, that choose to attract new people into the teaching profession through what is called an alternative certification process.

We have all heard about the impending teacher shortage. It is something that has been discussed on the floor. It is something that Americans today do understand. The Department of Education estimates we will need about 2.2 million new teachers over the next decade. That 2.2 million is necessary for two reasons: No. 1, because of enrollment increases and, No. 2, to offset the large number of teachers, the so-called baby boomer teachers, who will be retiring over the next several years.

It is interesting to note that the severe shortages tend to be in areas that are either the most urban or the most rural. Even more interesting is if you look at the alternative certification processes that have been in effect, for example, in New Jersey, where there has been such a program for 15 years, it is in those most urban areas and those most rural areas that the alternative certification process has had the most beneficial and the most powerful impact. The underlying focus in the bill, made stronger by this amendment, is that it is not only numbers of teachers but, indeed, it is the quality of those teachers we have in the classrooms.

This amendment, and now the bill, directs resources to strengthen and improve teacher quality. There is a professor at the University of Tennessee whose name is William Sanders. He pioneered this concept of a value-added

system of measuring the effectiveness of a teacher. His research clearly demonstrates that it is teacher quality more than any other variable that can be isolated, including class size, including demographics, that affects student achievement. He says the following:

When kids have ineffective teachers, they never recover.

At the University of Rochester, Eric Hanushek has said, and I begin the quotation:

The difference between a good and a bad teacher can be a full level of achievement in a single year.

The research of the importance of the quality of the teacher goes on and on. Again, as the statistics have shown, we have 12th grade students in the United States ranking near the bottom of international comparisons in math and science; where today most companies that are looking for future employees dismiss the value of a high school diploma; where we know that high school graduates are twice as likely to be unemployed as college graduates.

The statistics go on and on. No longer can we afford as a society to have this increasingly illiterate population continue.

It comes back to having a good quality teacher in the classroom, and today too many teachers in America lack proper preparation in the subjects they teach. Tennessee, my State, actually does a pretty good job overall, I believe, because they say a teacher has to have at least a major or a minor in the subject they are going to teach. Therefore, when we have these gradings of States on how well they do, we always get an A in this category of having a major or a minor.

Even in Tennessee, 64 percent of teachers teaching physical science do not have a minor in the subject. Among history teachers, nearly 50 percent did not major or minor in history. Other States do much worse.

Mr. President, 56 percent of those teaching physics and chemistry, 53 percent of those teaching history, 33 percent of those teaching math do not have a major or minor in the field they teach. We know this content is critically important to the quality of that teacher.

In closing, let me again say what this amendment does. It seeks to position a State, if they so wish, to have as good an opportunity as possible to recruit teachers. It actually helps States to recruit students and professionals into the teaching profession if they have not been in the teaching profession—both top-quality students who have majored in academic subjects as well as midcareer professionals who have special expertise in core subject areas. We want teachers teaching math to have majored or have an understanding of the content of math. We want teachers teaching science who have majored in and truly love science. It makes for a better teacher.

What this amendment does is help draw students and professionals into

teaching, attracting a new group, a new pool of people into the field of teaching, different kinds of people, all through this alternative certification process.

We all know it is hard today, among our graduates, to attract the very best into teaching, given the barriers that are there, given the traditional certification process. Through this amendment Senator HUTCHISON and I have drafted, we provide resources to States that wish to offer these alternative certification programs to help them establish such new programs to recruit students, professionals, and others, into the teaching profession.

I am very excited that this amendment has strengthened the underlying bill. These alternative certification stipends will help provide a seamless transition for students and professionals who make that change, that movement from school or careers, and embark upon a new career in teaching.

Shortly, this afternoon, Senator HUTCHISON will come down and elaborate on this particular program. Again, I am very proud to be a part of helping this new generation of teachers and future teachers address the problems we all know exist in our education system today.

Mr. President, I yield the floor.

THE PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, if we go into a quorum call, is the time equally divided?

THE PRESIDING OFFICER. It would take unanimous consent to equally divide it. Is the Senator requesting unanimous consent?

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

THE PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I yield myself 5 minutes under the time allotted to the manager of the bill on our side.

THE PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. DORGAN. Mr. President, I am going to be opposing the amendment offered by my colleague, Senator LIEBERMAN. He, I know, has thought a great deal about education issues. I admire his commitment to education. But we come at this from slightly different perspectives.

I want to speak not so much about the amendment that is before us but a bit more about the underlying issue that brings us to this intersection of the debate on this bill.

We know that in this country the education system needs some repair



and adjustment. I happen to think many schools in this country perform very well. As I have said before on the floor of this Senate, I go into a lot of classrooms, as do many of my colleagues. I challenge anyone to go into these classrooms and come out of that classroom and say: Gee, that was not a good teacher. I have deep respect and high regard for most of the teachers I have had the opportunity to watch in the classrooms in this country.

But there is almost a boast here in the Senate by some that we do not want to have any national aspirations or goals for our education system. I do not know why people do that. Our elementary and secondary education system is run by local school boards and the State legislatures. That is as it should be.

No one is proposing that we transfer control of school systems to the federal government. But we are saying that, as a country, as taxpayers, as parents, as a nation, we ought to have some basic goals of what we expect to get out of these schools. Yet there are people who almost brag that we have no aspirations at all as a country with respect to our education system.

I would like to aspire to certain goals of achievement by our schools and by our kids across this country, so I am going to later offer an amendment, part of which is embodied in the Bingaman amendment, dealing with accountability, saying that every parent, every taxpayer ought to get a report card on their local school. We get report cards on students, but we ought to get a report card on how our schools are doing. It is one thing to tell the parents the child is failing. We certainly ought to know that as parents. But what if the school is failing? Let's have a report card on schools, so parents, taxpayers, and people in every State around this country can understand how their school is doing compared to other schools, compared to other States.

The issue of block granting, with all due respect, I think is "block headed." Block granting is a way of deciding: Let's spend the money, but let's not choose. We know there are needs, for example, for school modernization.

I heard a speaker the other day at an issues retreat I attended who made an appropriate point that I know has been made here before. Not many years ago, we had a debate in the Senate about prisons and jails. Some of the same folks who stand up in this Chamber and say, we cannot commit any Federal money to improve America's schools, were saying, we want to commit Federal money to help State and local governments improve their jails.

Why is it the Federal Government's responsibility to help improve jails and prisons for local government, but when it comes to improving schools, we say that is not our responsibility? I do not understand that. Jails and prisons take priority over schools? I do not think so. It seems to me there is a contradiction here.

All of us have been to school districts all over this country. We have seen young children walk into classrooms we know are in desperate need of remodeling and repair. Some of them are 40, 50, 60, 80 years old. I was in one the other day that was 90 years old. The school is in desperate disrepair, and the school district has no money with which to repair it. What are we going to do about that?

Are we going to say those kids don't matter? Are we going to say that we are going to commit Federal dollars to education, but we don't want to know where those dollars are going? Are we going to say we don't want to direct funding to deal with the issues we know are important, such as school renovation and repair or decreasing class size by adding more teachers? Are we going to say we don't want to reach some sort of national goals because we are worried someone will mistake that for Federal control of local schools?

Hear it from me. I do not think we ought to try to have Federal control of local schools. The school boards and State legislatures do just fine, thank you; but there are areas where we can help, and school modernization is one of them. We were perfectly willing to jump in and renovate prisons and jails for State and local governments, but now it comes to schools and we say, no, that is not our job. It is our job.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DORGAN. Schools are certainly more important than prisons and jails when it comes to the subject of renovation.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes. We are awaiting Senators either on that side or on this side. I will withhold when they arrive. I yield myself 5 minutes.

I have heard the Senator from North Dakota speak to this issue about the General Accounting Office report that estimates we have about \$110 billion worth of modernization or rehabilitation of schools. Is the Senator familiar with that report?

Mr. DORGAN. I sure am. The GAO reported about the disrepair of schools, on Indian reservations, in inner cities, all across the country. You go to poor school districts that don't have a large tax base, and you find that we are sending kids into classrooms in poor shape. We can do better than that. The GAO documents that very carefully in study after study. We must, as a nation, begin to make investments in our schools.

Mr. KENNEDY. Would the Senator not agree with me that we tell children every single day that education is important, a high priority, the future of our country depends upon it, your future is essential to the meaning of this country and what this country is going to be throughout the world? What kind of message does the Senator think a child gets who goes to a school that has windows open in the wintertime,

an insufficient heating system, or a dilapidated electrical system so they can't plug in computers? What kind of subtle message does the Senator think that sends to the child where, on the one hand, we say it is important to get a good education, but on the other hand the child goes to a crumbling school, whether it is in the urban or rural areas, or Indian reservations?

Mr. DORGAN. The message is pretty clear. We talk about education, but then if the schools are in disrepair and adults do not seem to care about it, students feel that education and they themselves do not matter. I toured a school about a week ago with 150 kids. It had two bathrooms and one water fountain. It was in terrible disrepair.

The teacher said, "Children, is there anything you would like to ask Senator Dorgan?" One of the little kids who was in about the third grade raised his hand and said, "Yes. How many bathrooms does the White House have?" Do you know why he asked that? I think it was because that is an issue in their school. They have long lines to wait to go to the bathroom—150 kids and two bathrooms. Why is that the case? Because these kids are sent to an old school. The school district has no tax base. When we send them through the classroom door, we cannot, as Americans, be proud of that school. We must do better than that.

Mr. KENNEDY. I thank the Senator for his comments. I agree with them 100 percent. We will have an opportunity to consider this in amendment form. Senator HARKIN intends to address this issue in an amendment later in this debate—hopefully soon, if we can move along on some of our votes.

Again, as the good Senator has mentioned, what we are trying to do is target scarce resources on problems that we know exist, and with scarce resources we can make a difference that is going to enhance academic achievement. I thank the Senator and I yield the floor.

Mr. JEFFORDS. Mr. President, I yield 10 minutes to the Senator from Texas.

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

Mrs. HUTCHISON. Mr. President, I rise to speak on the pending Lieberman amendment. Senator LIEBERMAN is a friend of mine, and I know he has spent a lot of time with many colleagues trying to put together a substitute that could have bipartisan agreement. I think the Senator's amendment does make some good attempts, but there are concerns that will also force me to vote against his amendment.

I think the amendment is overly prescriptive. The reason I feel so strongly about this is that the amendment we just passed—Senator LOTT's amendment—which included my and Senator FRIST's careers-to-classroom provision—the whole purpose of that is to give more flexibility. I think what we are doing is drawing the bright red line

between the philosophy of what the Democrats are hoping to do and what the Republicans are hoping to do. The Republicans are trying to withdraw a lot of the redtape that we hear complained about by teachers everywhere we go in our States. When I go to a town hall meeting, in an urban or rural area, they complain about the redtape and the regulations that keep them from being able to do the job they want to do, which is to teach children in the classroom.

I think Senator LIEBERMAN's amendment fails to provide the flexibility and the accountability for our States and public schools, which really is the hallmark of the bill that is before us today. I am concerned about the revised formula for title I. I am concerned because title I will take millions of dollars from many of the rural and other schools in Texas and across America.

While I certainly understand the goal of providing money for low-income schools, I don't think it should come at the expense of our Nation's rural schools. They also have a great need, and oftentimes they lack the resources to give the quality education they need and want for their children.

I am also concerned about the provision in the Lieberman substitute that effectively requires certification for teachers' aides and other paraprofessionals. I think this is something best left to the States and the local districts. In fact, to go back to the amendment we just passed, Senator FRIST and I have been working, along with Senator GRAHAM from Florida, on a different concept that goes away from the overcertification issue and says we want professionals in the classroom, and we want to encourage school districts to put professionals in the classroom, even if they didn't major in education in college.

Now, I have to take a step back and say that I am very proud that my alma mater, the University of Texas, is actually beginning to do some testing on education degrees to see if we can focus more on the area of expertise that is going to be taught in the classroom and less on the "how to make lesson plans" part of the education degree. So far the tests have been very positive of the students who have gone more in the area of expertise for which they are going to be the teachers and less into the "how to be a teacher"—not that you do away with that because it is important; but you lessen the focus on that and go more for the actual expertise that is going to be transferred to the children in the classroom. That is the exact concept of the careers-to-classroom amendment, which is co-sponsored by Senator FRIST and myself.

It is very similar to what Senator BOB GRAHAM and I had worked on as well. Basically, it says to the midlevel professional who may be looking for a career change or who may be retiring because they have done well in their

field, we want you to come into the classroom and give the benefit of our knowledge and expertise to children who are in schools that have teacher shortages or are in rural areas.

Here is an example. A friend of mine majored in French in college and taught French in private schools. She moved to a small school district in Greenville, TX. They wanted to offer French in Greenville High School. She wanted to teach it, but she didn't have a teacher certification. So she was not able to be put into the classroom in Greenville High School, and the students in that high school were deprived of that option because she was not certified.

Now, what she did—because she wanted to do this so much—she commuted 30 miles to the nearest teacher college and she eventually got her certification; but it took her several years because she was also raising children. During that period, those children who wanted to take French could not have that option at Greenville High School.

I think that is wrong. I don't want her to have to jump through that many hoops in order to give a great opportunity to that school district that they otherwise would not have. So our careers-to-classroom provision takes rural schools and schools that have teacher shortages and matches them with people who have professional expertise—especially in the fields of math, science, and languages. We can enhance education to a greater degree if we have qualified teachers.

We give encouragement. We give authorization for funding for school districts that will give alternative certification, which is expedited certification to these teachers who want to go into the classroom and help enrich the experience that our children will have all over our country.

We hear a lot on the Senate floor about the need to hire more teachers and reduce class size. There is a growing problem in America.

It has been estimated by the National Council on Education Statistics that the United States will need an additional 2 million teachers in public schools over the next decade. During the 1970s and 1980s, the American school age population grew at a relatively slow rate. But increased immigration and the new baby boomers have turned these numbers around. In 1997, a record 52.2 million students entered our Nation's public schools. Between 1998 and 2008, the population of secondary schools is going to increase an additional 11 percent. This is most pressing in our inner cities and rural communities.

We are trying to address these concerns by giving more flexibility and taking away some of these disincentives to get good professionals into the classrooms. I think our amendment, which has been agreed to by the Senate, is a better concept than the Lieberman approach, or Senator KENNEDY's approach, which I think have

the effect of putting more restrictions and more redtape in the system.

I think we have tried the other way. While I believe Senator KENNEDY and Senator LIEBERMAN are very sincere in wanting better public education, I think we diverge on how we get there. I think we have tried the "everything emanates from Washington" approach to get Federal funding. I think now we ought to try something new. Let's try giving States flexibility by putting the money into the classroom where it does the most good rather than building up the Federal bureaucracy that has the effect of retarding the ability to be creative. Let's have the capability to put more teachers in to fill the teacher shortage with qualified teachers as well.

I want to end by saying that I believe in public education. I am a total product of public education. I know that is what makes America different from other countries in the world because we don't say to certain people: you will get a good education but other people in society will not have the same opportunity.

We have said in America that we want every child to reach his or her full potential with a public education. We want every child to have a choice. Many children choose private education. I support that, too. But it is our responsibility to have public education for children who cannot afford a private education or who do not want that kind of experience to be able to succeed and be the best with that public education.

The underlying bill and the Lott-Gregg-Hutchison-Frist amendment gives the tools to our country to create the public education system of excellence that is required to keep America a meritocracy and not an aristocracy.

Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I yield myself such time as I may consume from the amendment. I thank the Chair. I thank my friend and colleague from Texas for her thoughtful statement. I would like to respond to it.

It is interesting in this debate how common the usage of terms is on both sides. You have to really get down into the details.

The Senator from Texas talked about her support of flexibility for school systems at the local level. That is a centerpiece of the amendment that is now before the Senate, which is to consolidate a whole series of current Federal categorical grant education programs and give the local school systems some flexibility in the use of that money. But I think the difference between our proposal, the proposal before the Senate now, and the underlying bill is the difference between flexibility with purpose and essentially a blank check.

In our proposal, we have taken a series of categorical grant programs and put them together into four broad titles. We call them performance-based

partnership grants—not block grants. As I understand block grants, they are basically pooling money and sending it back to the States and localities to be spent for education as they would wish.

As others have pointed out before, and Senator KENNEDY particularly, at the outset of the ESEA program, the Federal Government essentially gave block grants to the communities and States. It was found that the money was being spent for what most in Congress at that time did not think were priority educational goals. They were not being spent for the focused purpose of the ESEA, which was to help disadvantaged children. Block grants don't target the disadvantaged children, and they don't have enough accountability for results that are ongoing. There is no guidance from the Federal Government. I think this is a broad category of how the money should be spent. This is the difference between the underlying bill and the amendment before us now.

Yes, we believe that Washington doesn't have all the answers. Yes, we think that some of the current categorical grant programs are too focused with too much micromanagement. So we fold them together. But we feel very strongly that if we in Congress and the Federal Government are authorizing and appropriating literally billions of dollars to be spent by the States and localities on education, it is not just our right but our responsibility to set overall standards, categories, and goals for how that money should be spent.

When we say we create performance-based partnership grants, that is what we mean. They are partnerships between the Federal, State, and local governments to achieve national educational goals.

I will get to that in a minute.

They are performance-based because there is an annual measurement of how students are doing. That is what this is all about. Is adequate yearly progress being made on these various proposals? If not, we ought to rush in with some extra help. If it continues to not be made, then we ought to impose some sanctions.

We have taken these four titles and asked that the localities spend in areas that we think enjoy broad support in the Nation as priority educational areas.

First and foremost, I think we granted title I for disadvantaged children. But of the other four, first and foremost, here is more money than the Federal Government has ever sent to the States and localities before for the purpose of improving teacher quality.

Second, here again, it is more money than the Federal Government has ever sent back before for the purpose of improving programs in limited-English proficiency, commonly known as bilingual education. It is a critical need. Too many children for whom English is not the first language are not getting the education they should get.

Third, public school choice—a great concept that is being adopted at the

local level; again, a new funding stream to create new charter schools and to create new experiments in public school choice. Let parents and children have some choice within the public school setting by creating competition and forces that will improve the overall quality of education.

Finally, a broad category of what might be called public school innovation, including afterschool programs, summer school programs. Whatever the localities may decide is an innovative idea, we want them to be able to test.

There is a big difference between sending a blank check from Washington back to the States and localities, saying here is a substantially increased check but we are asking that localities spend it in one of these four priority areas and we are going to hold localities accountable every year for the results of that spending.

Ultimately, that is what matters. It is interesting and not unimportant to talk about performance-based partnership grants, but ultimately it is important to consolidate categorical grants. What is most important is, What is the result? Are our children being better educated? If not, we in Washington will set up a system that does not accept failure, that does not allow the Federal Government to sit back and accept failure, but pushes into the debate and the action to encourage success for our children.

The second broad point of response is on the question of teacher quality. As we all know, we have a rising need for new teachers—2 million over the next decade. We also want to make sure those teachers are the most able. There are a lot of ways to do this. In my State of Connecticut, the legislature adopted a program a decade or more ago that has worked. It begins with the State of Connecticut setting standards for paying teachers more money. It is true we get what we pay for. There are a certain number of people who have devoted themselves to teaching, regardless of salary, because they had a sense of mission. It is what gave them satisfaction. In an increasingly competitive economy, one of the ways we make it easier to attract the best people to teach is by paying more money.

The second is to create opportunities in midcareer for people to come into teaching. I point out to my friend from Texas, title II of our proposal on teacher quality specifically urges the States to open up alternative paths for people. In our proposal, title II encourages the localities to do exactly what Senator HUTCHISON advocates, which is to create alternative paths to teacher certification for people in midcareers so we can get the best people to better educate our children.

We think this is a balanced proposal. We ask our colleagues to consider it and hopefully support it as we come close to the time for voting.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. JEFFORDS. I yield the Senator from Washington 5 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I am delighted to be on the floor in the presence of my friend, the Senator from Connecticut, the primary sponsor of this proposal. For well over a year, the Senator has shared his thoughtful ideas with me and with other Members on this side of the aisle.

While this is certainly not my proposal—it is not Straight A's by any stretch of the imagination—it does represent, in the view of this Senator, a genuine and thoughtful approach to the proposition that we haven't been doing everything right for the last 10, 20, 30, 35 years and that there is a newer and better way to provide education services to our children directed at seeing they get a better education and their achievement improves.

The proposal the Senator from Connecticut has before the Senate is a thoughtful and imaginative approach to our innovation in education. There have been a number of comments during the course of the day and earlier that the Senator from Connecticut and some of his friends and allies have been working with this Senator and others to see if we could marry most or many of the propositions contained in the current amendment—relating to Straight A's, to the Teacher Empowerment Act, and to portability—in a way that would reach across the aisle not with a half a dozen Members on each side of the aisle supporting the proposition but perhaps with a majority of the Members of the Senate.

While I can't say I am a supporter of the proposition exactly as it appears before the Senate, it does offer very real possibilities not only for a constructive debate on education policy but for a constructive resolution to the better education that every Member in this body, whatever his or her philosophy, seeks. I hope there may this afternoon even be a symbol of the fact we are beginning to work together.

I must say, there are clear differences even in negotiations over a middle ground. It is certainly possible they will not be surmountable. This Senator, however, hopes they will be. I think the Senator from Connecticut does. At the same time, there may be Members who do not desire a partnership that has involved matters other than this from time to time in a way that has upset certain Members of this body.

I thank the Senator from Connecticut for his thoughtful and sincere efforts and express the hope publicly that they may lead to something which will unite, rather than divide, members of both parties.

Mr. LIEBERMAN. Mr. President, I thank my good friend and colleague from the State of Washington for his gracious words and for the discussions we have been having for almost 2 years about this particular reauthorization,

in which I have learned a lot. I appreciate his openmindedness.

These discussions continue more broadly now. As he said, there are gaps remaining, but it has been a very good faith and worthwhile process. I look forward to continuing it with him and others in the days ahead toward the aim, which we hope is not going to elude us, of having a bipartisan reauthorization of ESEA.

I am grateful that the Senator from Virginia has come to the floor to speak on behalf of the amendment that is before the Senate. Senator ROBB is a cosponsor. He has been very active in our discussions of this proposal and, as always, he brings to these discussions the clear-headed vision based on experience—in this case, not only his experience as the Senator but valuable experience as the Governor of Virginia.

I yield whatever time Senator ROBB needs to discuss this proposal.

Mr. REID. Mr. President, so Members will know what is happening here, the minority and majority have agreed there will be a vote at 4:50, and on our side, the Senator from Virginia would have 20 minutes, Senator EDWARDS would have 10 minutes, Senator KENNEDY 5 minutes, and the majority would have 20 minutes.

The PRESIDING OFFICER (Mr. GORTON). Is there objection?

Without objection, it is so ordered.

The Senator from Virginia.

Mr. ROBB. Mr. President, we may not have any more important debate this session than the one we are having now on the reauthorization of the major piece of federal legislation affecting K-12 education, the Elementary and Secondary Education Act. I was pleased to support the Democratic alternative last Thursday because it contained many of my highest priorities for education. It continues our commitment to class size reduction, an initiative that will give our children more individualized attention with a qualified teacher. It provides substantially more money for professional development for teachers and administrators, so we can help build our teachers up, rather than tear them down. It contains more money for schools to make urgently needed safety-related repairs to their facilities, so our children are not in schools with leaky roofs or fire code violations. It contains increased investments in equipping our schools with modern technology, so our children can learn the language of the new economy—the information technology language. It contains increased funding for school safety initiatives, because we can't have good schools, unless we have safe schools. I am pleased that the New Democrats were able to work with our Democratic Caucus to significantly enhance and strengthen the accountability measures contained in the Democratic alternative. Although the amendment was defeated, I believe it contained a better approach, frankly, to the reauthorization of ESEA than that which has been offered by our dis-

tinguished colleagues on the other side of the aisle.

The Senate new Democrats under the leadership of the distinguished Senator from Connecticut, Senator LIEBERMAN, and the Senator from Indiana, Senator BAYH, and others, as has already been stated, have been working for many months on a proposal to reauthorize the Elementary and Secondary Education Act in a way that will truly help our Nation's students and improve our Nation's schools. We have offered this proposal as an alternative to the way we think about the Federal role in K-12 education. The goal of this alternative approach is the principle reason why we should have an Elementary and Secondary Education Act at all: to improve student academic performance and readiness. Two critical factors on the federal level in achieving this goal are investment and real accountability.

In 1994, Congress took a monumental step toward encouraging standards-based reform across the states—a movement which really began in 1989 when President Bush convened a summit in Charlottesville, VA with our Nation's Governors to explore ways to improve our public education system. When we considered the Goals 2000 legislation in 1994, we reiterated the principle of that summit: that education is primarily a State and local responsibility, but it is also a national priority. We recognized that if the Federal Government is to be a meaningful partner in education reform, we must give greater flexibility to States in the use of their funds in order to foster innovation and to help States design their own standards-based reform plans.

During the floor consideration of Goals 2000, I voiced my support for Goals 2000 funding and said:

[w]ith this new funding States can, if they choose, work to establish tough academic standards, create a system of assessments to put real accountability into our schools, and expand efforts to better train teachers and give them the tools they need to teach our kids.

As a result a result of Goals 2000, 48 States have now developed standards and many are in the process of aligning their curricula and assessments to those standards. But we need to help even more than we are now, because only about half of the States this year will meet their student performance goals. And what is more troubling is that there continues to be a startling achievement gap between low-income students and more affluent students.

Now that the vast majority of our States have standards in place, we need to help them meet those standards. Our Three R's amendment emphasizes the need to reinvest in our schools, to reinvent the way that we partner with States and localities, and to recognize that we, as a Nation, have a responsibility to ensure that our children are receiving the very best education that all levels of government can collectively provide. For the first time, this

amendment attempts to hold States accountable not for filling out the right forms or for writing good grant proposals, but for actual increases in student achievement.

The Three R's approach ensures that States are held accountable for yearly improvement in student academic performance. States will set their own yearly targets for improvement. Our hope is that these performance goals will help all children become proficient in reading, mathematics, and science. States will be required to take dramatic corrective action in the event that school districts in their States chronically fail to make the grade. Failing schools can be shut down. They can be reconstituted with new administrations. They can be turned into charter schools. There are a variety of options available, but the point is simple: failing schools are failing our children, and our children deserve more. States that meet or exceed their performance targets will be rewarded with even more flexibility in the use of their funds.

But a demand for more accountability must be accompanied by increased investment—increased investment in our students, increased investment in our teachers, increased investment in our administrators, and increased investment in our schools themselves. This amendment calls for an unprecedented \$35 billion increase in elementary and secondary education funding over the next 5 years. Currently, the Federal Government only spends \$14.4 billion per year on K-12 education. To put that in some perspective, last year we spent \$230 billion to pay interest on the national debt. The fact that we pay 15 times more money on debt that is akin to bad credit card debt, when we could be building schools, or training teachers, or hiring school safety officers, is shameful.

Our amendment would increase our current spending by \$7.2 billion next year alone. Instead of pumping this money into more programs, our amendment distributes most of the new Federal funds to States based upon a formula, rather than to those States and localities who can afford to hire savvy grant writers. The distribution of funds is targeted to where the funds are needed most—to our neediest schools and students, that are so often left behind. The Three R's approach increases teacher quality funding to \$1.6 billion, which is a \$1 billion increase from our current spending. It substantially increases aid for economically disadvantaged students by 50 percent—from \$8 billion to \$12 billion. We continue our commitment to reducing class size by providing a guaranteed stream of funding for this important initiative which has so far provided States with enough funding to hire over 29,000 new teachers. And we get serious about helping Limited English Proficient students not only master English, but achieve high levels in core subjects as well. Our funding for LEP students is increased

from \$380 million to \$1 billion. Finally, we provide \$2.7 billion to expand after-school and summer-school opportunities, to enhance school safety, to improve the technological capabilities of our students, teachers, and schools, and to fund innovative school improvement initiatives designed at the local level.

We need to invest in our teachers so they are the best in the world. We need to invest in our schools so they are safe and modern. We need to invest in our students so they will develop the skills they need to succeed. The Federal Government can provide these resources and we believe that it should. At the same time that we do this, we need to ensure that the Federal role in K-12 education is one that actually promotes improvement in academic achievement.

That is accountability with real meaning.

This amendment is also meant to provide a starting point for a bipartisan effort. Our education debate has a tendency to devolve into partisan battles with the extremes on both sides drawing hard and fast lines that either abandon public schools by promoting vouchers or continue the status quo by funding myriad small programs—programs which, however well intentioned, often dilute the effectiveness of the limited Federal dollars we have to spend on education. We have to get beyond these differences to better serve our children.

There is more to the education debate than just these priorities. Last month, the Senate new Democrats held a hearing about the RRR approach. The panelists were former Reagan Education Secretary William Bennett; former Chief Domestic Policy Advisor to President Clinton, William Galston; Seattle Superintendent Joseph Olchefske; Amy Wilkins, principal partner of the Education Trust, an organization dedicated to the education of disadvantaged children; and Robert Schwartz, president of Achieve, Incorporated, an organization formed by the Nation's Governors and corporate leaders to improve public education.

Despite the philosophical diversity among the panelists in many areas, all of the panelists agreed that focus on increased investment in exchange for real accountability was necessary and prudent.

Perhaps William Bennett summed it up best by saying:

The Three R's has the potential to bring about a new era for the Federal Government and education, an era that actively emphasizes results over process and favors success over failure.

I believe our RRR amendment combines the principles upon which so many of us can and do agree. It is perhaps more aptly described as the "III"—investment, innovation, and improvement. This really should be the model for the Federal role in elementary and secondary education in our country. I hope colleagues from both

sides of the aisle will seriously consider this approach.

I yield the floor and reserve any time remaining.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina has 10 minutes.

Mr. EDWARDS. I thank the Chair.

Mr. President, I want to speak to three subjects today: first, to the subject of education in general; second, to some of the things we have done in North Carolina in the area of education of which we are very proud, particularly in our public schools; and, third, to talk specifically about the Lieberman-Bayh amendment.

First, the single test we should apply in determining what to do with our public school system is what is in the best interest of the kids—not what is in the best interest of either political party, not what is in the best interest for either candidate for the President of the United States, but what is in the best interest in improving the lives and education of our young people.

Anywhere one goes in North Carolina, if one were to ask folks what is the most important thing we do as a Government, they would tell you over and over: Educate our young people. If one were then to tell them the reality, which is that we spend less than 1 percent of the Federal budget on over 50 million school children in the United States, they would be absolutely flabbergasted. The single issue that the American people believe is the most important thing their Government does takes less than 1 percent of the Federal budget. They believe more needs to be done.

I believe strongly that our school systems should be run at the local level, that people at the State and local level know much better than people in Washington how our school systems should be run. That does not mean, however, there are not things we can do as the Federal Government to partner with State and local government officials in educating young people. That is what we need to be doing.

There is nothing in our Constitution that says we cannot devote more than 1 percent of the Federal budget to public education. We have to be willing to devote the resources to make education the priority it is for the American people, to put the resources into it, to put the effort into it, and to help State and local officials do the job they so desperately want to do.

I will say a word about some of the things we have done in North Carolina. We believe North Carolina is, in fact, the education State. For example, we started a program in early childhood development called Smart Start. The basic idea of Smart Start, which now exists in every county in North Carolina, was to get all kids into an early childhood development program and to get them on the right track so they later could be kept on the right track. Smart Start got them at a time when

it had the most influence over them, which is before they reach the age of 6 or 7 and begin elementary school.

Smart Start has worked. It has had a dramatic effect in our State of North Carolina. Smart Start, most importantly, is an example of what happens when we are willing to think outside the box. We have to be willing to constantly examine whether what we are doing is working, whether there are new, innovative, more creative ways to educate our young people. Again, the test ought to always be the same: What is in the best interest of the kids? What is going to be most effective in giving our kids the best education we can possibly give them?

Smart Start is a perfect example of that. It is new. It was innovative when it came into play. It has worked. We have to be willing to continue to think about programs such as Smart Start.

The way we dealt with failing schools in North Carolina is another example. We went across the State and identified those schools that were failing; that is, they were not doing the job that needed to be done. Talk about accountability, this is accountability in its purest form. If a school was failing, we essentially replaced the administration of that school. In other words, we put people in charge of running the school for the purpose of turning it around.

The results have been absolutely phenomenal. Almost without exception, those schools have been turned around, the kids' grades have improved, and their performance has improved. Again, this is another example of being willing to think outside the box, to think creatively and innovatively.

Recently, I was in North Carolina meeting with some folks who were working on the cutting edge of public education. They showed an example of a computer program that can be used by kids in the early grades of elementary school.

They can take kids, particularly disadvantaged kids, and put them in front of a computer in an environment where they feel safe, where they do not have to perform in front of the other children so they do not feel as if they are a failure from the very beginning. It gets them engaged. The single most important thing with young kids is to get them engaged, to make them believe they have some control over their own destiny; that they can, in fact, compete; that they can effectively compete against all the kids; and, more important, it gives them self-esteem. It makes them feel as if they can actually do something about their lives.

This computer program had a phenomenal effect on the performance of disadvantaged kids. Once again, the test remains the same: What is in the best interest of the children? Are we willing to constantly challenge our approaches, how they can be better molded to fit the needs of the children? The computer program I just described does that; Smart Start does that; that is

what our mechanism for dealing with disadvantaged and failing schools did in North Carolina.

That brings me to the Lieberman amendment, which is just another example on the national level of being willing to address issues creatively, innovatively, and to think outside the box, to think about what is in the best interest of the kids and what is the most effective way of addressing the needs of kids.

I will freely admit there are some provisions in the Lieberman amendment which caused me some concern when I first saw them, but it does many positive, creative things. First and foremost for me is the willingness to invest in title I, to provide more resources and more funding and to target those funds to the kids who most need the help.

If my colleagues do what I have done over the course of the last 2½, 3 years and go to schools across my State of North Carolina, the one thing that becomes immediately apparent is our kids do not compete on a level playing field. That was the original idea behind title I: trying to create a level playing field so no matter where a kid went to school, no matter where they were enrolled in school, whether it was in the country in rural North Carolina or Charlotte, Raleigh, or Greensboro, they had an equal opportunity to achieve and equal opportunity to learn.

I have to give tremendous credit to Senator LIEBERMAN, Senator BAYH, and all the moderate Democrats who worked so hard on this amendment. What they have done is identified the kids who most need the help—the place where the achievement gap exists—and gone about thinking creatively how we can make these kids achieve, how we can give them the best possible chance to be able to perform because we have to be willing to do something.

We have consistently underfunded title I in the past. There has been a lot of rhetoric about our willingness and interest in helping disadvantaged kids. Now we get a chance to step up to the plate. That is exactly what Senator LIEBERMAN and Senator BAYH have done. They have said: We are willing to put our money where our mouth is. We are willing to put the resources in place that need to be there to help these kids, these disadvantaged kids, to give them a chance to compete.

That is all they ask for. That is what the computer program is about. That is what reducing class size is about. We have to give these children, who have not been achieving, who have not been responding to the traditional ways of educating young people, a chance to compete. We have to be willing to think outside the box. We have to be willing to say to ourselves that maybe we have been wrong in the past, maybe there are new and better ways to do this.

That is exactly what the Lieberman amendment is aimed at doing. That is the reason the Lieberman amendment

is supported by the moderate Democrats. The Lieberman amendment is just another in a long line of examples—except in this case it is at the national level—of new and creative ways of addressing the needs of our young people.

As we go forward with this debate, and as we go forward with addressing the needs in educating our young people, we have to be willing to do what has been done in my home State of North Carolina, what has worked so well—programs such as Smart Start, programs dealing with failing schools, these computer programs that have been so effective, and now, in this case, on a national level, the Lieberman amendment.

We have to be willing to question ourselves. We have to be willing to put the money in place that is needed to educate our young people, which is more than 1 percent of the national budget, and that, ultimately, we are committed to making the first decade of this century the education decade, and that we are committed to making our schools the envy of the world. We have the best economy, the best roads, the best technology in the world; it is high time we be able to say to the world, our schools are the envy of the world.

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

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield the Senator from Arkansas 10 minutes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I listened with great interest to my distinguished colleague from North Carolina. I applaud his willingness to look at new and innovative approaches. I think his embrace of the Lieberman amendment is reflective of that desire for change.

I note, as I listened to the Senator's comments, he spoke of the North Carolina experience and some of the things they have done in North Carolina—some of the innovative, creative, and constructive programs in North Carolina.

I applaud the State of North Carolina. And I think that makes our case for Straight A's. I think the idea of giving those kinds of States which are doing good and innovative things more flexibility in carrying out those programs is exactly the direction we ought to be moving.

I believe the Lieberman proposal moves us in that direction, that it is a constructive effort, that it has been a positive effort, that there has been, on the part of the moderate Democrats who have spoken on behalf of the Lieberman amendment, a recognition of the need for change. There has been a candid recognition of the failure of the top-down, one-size-fits-all approach that we have taken for 35 years to the Federal role in education.

I must say that I still have a number of concerns and reservations, and have

opposition to some of the provisions in the Lieberman proposal. I still think there is too much regulatory effort from Washington. I think there is a failure to embrace the kind of bold steps we need that are in the underlying Educational Opportunities Act and that it would be a shame for us, while recognizing the need for change, recognizing the need for adequate funding, to only take a half step or a baby step in the direction of reform. That is why I believe the underlying bill is far preferable.

I am pleased, however, that there have been ongoing discussions among those who believe that we need change on both sides of the aisle, that we need to provide greater flexibility, that we need to consolidate programs, that we need to streamline programs, and that there has been an effort to accomplish that. But I am very concerned that we still centralize too much power in the name of accountability. We still give too much authority to the Department of Education.

Members have been talking about the importance of accountability all week and last week. If we are to have accountability for Federal education funds, we must first ensure that accountability is occurring not only at the local level but at the Federal level as well.

So when I heard Senator LIEBERMAN earlier say these are billions of American taxpayers' dollars that we are sending back to the States and to the schools; therefore, we have a right and a responsibility to require specifics on how that money is spent, that sounds very good, but I say that we should require the same kind of accountability from the Department of Education which oversees these programs that it administers.

For the second year in a row, the U.S. Department of Education has been unable to address its financial management problems. Those management problems are very serious. In its past two audits, the Department was unable to account for parts of its \$32 billion program budget and the \$175 billion owed in student loans. They were unable to account for parts of that budget. Before we entrust the Department with administering more funds and creating more new programs, we must ensure that they are properly accounting for the funding they already have.

The Lieberman amendment, though a step in the right direction, still leaves more power in the hands of the Federal Department of Education and provides a modicum of improvement for State flexibility that, in my opinion, is not enough.

The House Education Committee has been holding hearings on the financial problems at the Department of Education and has found instances of duplicate payments to grant winners and an \$800 million college loan to a single student. That is rather amazing.

In its 1998 audit, the Department blamed its problems on a faulty new

accounting system that cost \$5.1 million, in addition to the cost of manpower to try to fix the system. A new accounting system will be the third new accounting system in 5 years.

The most recent 1999 audit showed the following: The Department's financial stewardship remains in the bottom quartile of all major Federal agencies. If you stack them all up, you find the Department of Education down toward the bottom in the job they are doing in fiscal responsibility. The Department sent duplicate payments to 52 schools in 1999, at a cost of more than \$6.5 million. And perhaps most significant, none of the material weaknesses cited in the 1998 audit were corrected when the Department was reaudited in 1999.

So they have failed to take the kind of corrective measures that might reestablish confidence and faith in the Department of Education. These problems make the Department vulnerable to fraud, waste, and abuse. I have submitted an amendment to this bill that would require an investigative study by the GAO into the financial records of the Department of Education.

No one is suggesting we should eliminate the Department. No one is suggesting that having a voice for education at the Cabinet table is not critically important. But it is equally important that we require high standards of fiscal responsibility for the Department that oversees billions of dollars in taxpayer money. We entrust them with funding. We expect local schools to handle their funds properly. We should have the same kind of demand on the Department of Education.

In addition, I have an amendment to provide increased flexibility among Federal formula grant programs for States and local school districts. It is identical to language included in legislation in the House to reauthorize ESEA.

One of my concerns about the Lieberman amendment, although I do believe it is a step in the right direction and will provide expanded flexibility, is that it does not provide the kind of flexibility the States and local school districts are crying out for.

This amendment would give States and local school districts the authority to transfer funds among selected ESEA programs to address local needs as they see fit. Covered programs would include professional development for teachers, education technology, safe and drug-free schools, title VI innovative education block grants, and the Emergency Immigrant Education Program.

In addition, States may transfer funds into, but not away from, title I funding for disadvantaged students. So they would have the ability to take funds from these other programs and move them into title I for the benefit of disadvantaged students, but not the other way around.

It would not be only money flowing into the title I but would provide greater flexibility for the local school

district to move money between programs—transferability. States may transfer all of the program funds for which they have authority, except for the administrative funds. Local school districts may transfer up to 35 percent of the funds they receive without obtaining State permission, and all other funds under these programs, if their State approves.

So this would provide for all of those States that are not fortunate enough to be included in the Straight A's Program, which the Presiding Officer has authored and expended so much energy and resources in promoting, but we still know that we have only 15 States in the underlying bill that are going to be able to participate in that program. So for those States not fortunate to be in the Straight A's Program, this would give them the ability to have some increased flexibility in devoting funds to arising needs in their schools. Local school boards know that needs often change from year to year. This gives them the authority to flexibly use their Federal funds to address those changing needs. As we all know, these local school boards are elected by the people just as we are in the Senate. I trust them to know the specific needs of their schools from year to year.

I believe that the debate for now more than a week has been very illuminating to the American people. The course of the debate has moved us a long way toward reaching, if not consensus, at least a strong majority of this body recognizes what we sought to do in the Health, Education, Labor, and Pensions Committee in producing the Educational Opportunities Act, which is supported by the American people and what we need to do—greater flexibility, greater local control, more child centered in our effort, high-performance expectations, a determination to see the achievement gap close between advantaged and disadvantaged students. And while initially we heard many on the other side simply defend the status quo in very plain terms, saying that we had to stick with the tried, true, and tested programs that have "worked so well" during the past 35 years, though with the expenditure of \$120 billion, we cannot show that the achievement gap is closed.

I believe the debate has moved a long way, and I look forward to seeing the opportunity to pass the Educational Opportunities Act, including the Straight A's provision.

Mr. JEFFORDS. Mr. President, I yield myself such time as I have remaining.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise in strong opposition to the Lieberman amendment. I want to be sure that all my colleagues understand that what the amendment would do is wipe out everything in S. 2—the bill we have been debating for the past week. The amendment would put in the provisions of S. 2254, a bill which was introduced

about two weeks after the Committee on Health, Education, Labor, and Pensions completed its work on S. 2.

I believe that my colleagues should also understand that, if the Lieberman amendment is adopted, all amendments which were approved over the past week will be discarded along with S. 2. Moreover, no further amendments would be in order. I know that many members have prepared amendments which they wish to see considered. Should a substitute amendment be adopted, this will simply not be possible.

There may very well be ideas in the Lieberman amendment which are worth considering, but using it as the basis to scrap 18 months worth of hearings and other committee deliberations and to rewrite the Elementary and Secondary Education Act on the floor of the United States Senate is hardly the way to pursue those ideas.

A major function of the committee system in Congress is to assure that a bipartisan group of members have the opportunity to devote extra time and study to particular issues.

There may be disagreements among committee members and Members who do not serve on the committee may disagree with some of the conclusions reached by those who present a bill for the consideration of the full Senate. Nevertheless, there is a clear understanding of the issues at hand—so that a rational debate of differences can be held.

The danger in dismissing the work of a committee entirely in order to adopt something which may appear more appealing is that serious problems may well go unnoticed. I believe there are numerous aspects of the substitute amendment which illustrate this point.

For example, the amendment makes significant changes to the title I formula. Proposals to alter the formula by which title I funds are distributed are among the most difficult to analyze.

Changes which at first glance appear to represent sound policy often have unintended consequences that do not become evident until actual runs are performed.

Senator LIEBERMAN has proposed a significant change to the way that title I funds are to be distributed within states. Currently, the vast majority of funds are distributed through the Basic Grant Program 85%, and the Concentration Grant Program, 15%.

No funds have been made available for either the Targeted Grant Program or the Education Finance Incentive Grant Program. Importantly, the amount received by each state is determined by totaling amount that each eligible school district within the state is eligible to receive.

If the Lieberman amendment were adopted, the most dramatic changes would be experienced at the school district level. Under current law, the states distribute 85% the money to local educational agencies, LEAs, in



accordance with the Basic grant formula and 15% of the money through the Concentration Grant formula. This structure is retained under the committee bill. Importantly, the amount of funding to each state is based upon the amount that eligible school districts within the state are entitled to receive.

Under the Lieberman proposal, money would be received by the state on the basis of one formula and then distributed to LEAs on the basis of a modified version of the Targeted Grant Program. This establishes a new precedent and raises basic questions of fairness. For the first time, the amount that a state receives will be based upon the eligibility of school districts which shall not be given the funds. Let me state this again. States will receive money on the basis of the eligibility of certain school districts. These school districts will not, however, receive the money. The money that the state received on the basis of their eligibility will be diverted to other school districts within the state.

It may be argued by some that this improves targeting by sending money to high-poverty school districts. An examination of the actual numbers reveals that the proposal would establish deep inequalities among school districts across the Nation. It turns out that not all poverty is treated equally. In fact, it depends upon which state you happen to be fortunate enough to reside in and even which school district governs your school.

Let me provide some examples. These examples were selected simply by going through the LEA lists in alphabetical order to select districts with comparable poverty rates.

In Alabama the Thomasville City School District has a poverty rate of 30.3% and would lose 21.6% of its title I funding. In California, Burnt Ranch with a poverty rate of 30.5% would only lose 16% of its funding. New London School District in Connecticut with a poverty rate of 30.6% would receive an increase of 11.9% while Bridgeport with a poverty rate of 35.5% would be cut by .5%. The disparity in the dollar amounts of the reductions is even greater.

My point is this. Many school districts which currently receive funding under the Basic and Concentration Grant Programs would receive steady annual cuts in their title I funds under this proposal. These would not be potential cuts—these would be real cuts. Cuts that would have to be made up by raising property taxes or cutting services.

The Congressional Research Service has done runs for each LEA in each state. These runs reflect annual projected increases or decreases for each of the next three years. There is nothing magic about three years. Districts which are gaining funds would presumably continue to gain them and districts which are losing funds would presumably continue to lose them until an equilibrium is established in the out years.

Our goal during this reauthorization should be to strengthen educational opportunities for all students. This proposal pits poor children in one school against poor children in another and should be soundly rejected.

Proponents of the Lieberman substitute have spoken to the need to increase accountability. I do not believe there is any disagreement at all in this body that recipients of federal education funds must be held accountable. As I noted in my opening remarks when we began floor consideration of this bill, through a bipartisanship effort in 1994, we in the Congress decided that title I should carry out its mission of improving learning by assisting state and local efforts in the development of standards and assessments.

Congress completely rewrote Title I in 1994 and made the program more rigorous—requiring States to develop both content and student performance standards and assessments.

Congress gave the states seven years to complete this difficult task. We are mid-stream in this process.

In the name of accountability, the Lieberman substitute rewrites many of the standards, assessment, and school improvement provisions that were included in the 1994 law. I fear that rewriting these sections will not lead States down the path toward greater accountability, but rather will create detours for the states and school districts that have already spent several years going in the right direction. Developing and implementing standards-based reform and assessments is not a simple task. It requires sustained and consistent effort. Loading up States and school districts with new regulations, new reporting requirements, and more mandates is a distraction at best and a step backward at worst.

Finally, I believe it is important to point out that most of the individual programs authorized under the Elementary and Secondary Education Act outside of title I are repealed by the Lieberman substitute. A notable exception is that the amendment does authorize the President's class-size reduction program as a separate activity. Apparently, some merit is seen for that separate program which is not seen for programs such as the Reading Excellence Act, Gifted and Talented Education, Reading is Fundamental, or Character Education—to name just a few of the programs which are repealed by the substitute amendment.

It is my understanding that the funds from the various programs which are repealed are to be used within four general categories: school improvement, innovative reform, safe learning environments, and technology.

For example, the substitute amendment would repeal title IV of ESEA, the Safe and Drug Free Schools and Communities program. title IV funds would be pooled with the other funds allocated to repealed programs, and 15% of the funds in the pool are to be used for safe learning environments.

The substitute amendment completely tosses overboard the Title IV reforms in S. 2 which were developed by a bipartisan group of members—spearheaded by Senators DEWINE, DODD, and MURRAY. These reforms were designed to assure that drug-free schools funds are used for proven, effective programs—rather than being used in some of the frivolous ways we have seen in the past. The Lieberman amendment sets back the clock on these important revisions to the bill.

As I indicated at the outset, it is important that we take great care in crafting changes to the Elementary and Secondary Education Act. The programs in this Act represent virtually all the support provided by the Federal Government in support of elementary and secondary schools. Although the federal share is small relative to the contributions made by States and localities, it is a substantial investment—approaching \$15 billion a year.

I believe that the Committee on Health, Education, Labor, and Pensions has taken its responsibilities seriously in developing S. 2 over the past 18 months. We held 25 hearings on all aspects of the Act and have spent considerable time discussing the issues it includes—with much of this work being done on a bipartisan basis. I am pleased to have heard so much today about bipartisan cooperation with respect elementary and secondary education. Although the final vote out of committee was on a party-line basis, the fact of the matter is that much of the bill was developed through bipartisan discussions.

I have spoken many times on this floor on behalf of bipartisan efforts to help our nation's school children, and I remain willing to engage in such efforts. I am not, however, willing to turn my back on the work the committee has put into S. 2 in order to embrace a proposal which reduces title I funding for many school districts throughout the country, imposes additional reporting burdens on States and localities, and repeals many programs which have been of value to our nation's schools and students.

I want to say again that I strongly oppose the Lieberman amendment.

Mr. KOHL. Mr. President, I rise today as a proud cosponsor of the Lieberman amendment, which is based on our bill "The Public Education Reinvestment, Reinvention, and Responsibility Act of 2000"—better known as "Three R's." I believe that this bill represents a realistic, effective approach to improving public education—where 90% of students are educated.

For the past 35 years, when the time has come for the Senate to reauthorize the Elementary and Secondary Education Act, it has done so with bipartisan support. However, over the past week, most of what we've seen on the Senate floor has been partisan wrangling—from both sides of the aisle—over how to reform education. I think

that's tragic. Our nation's children deserve a serious debate and real reform—not partisan bickering and election-year gamesmanship.

Mr. President, addressing problems in education is going to take more than cosmetic reform. It will require some tough decisions and a willingness to work together. We need to let go of the tired partisan fighting over more spending versus block grants, and take a middle ground approach that will truly help our States, school districts—and most importantly, our students.

During the past several weeks, I am pleased to have been part of a bipartisan group of Senators who have put partisan politics aside and are seeking to find such a middle ground. Our group has been working to meld the best parts of all of our plans—in the hope that we can actually get a bill passed this year. In a short period of time, we have made tremendous progress and found more agreement between our two parties than the past week's floor debate has shown. I am hopeful that we will soon reach agreement on a bipartisan compromise, but even if we do not, we have laid the groundwork for the future. At some point, the entire Senate will have to put politics aside and deal with education reform. Our plan can serve as the foundation for that compromise—and I look forward to working with our group to make that happen.

Mr. President, I believe the Federal government must continue to be a partner with States, school districts, and educators to improve public education. But it is time to take a fresh look at the structure of Federal education programs—building upon past successes and putting an end to our past failures.

The amendment before us now—our “Three R’s” bill—does just that. Three R’s makes raising student achievement for all students—and closing the achievement gap between low-income and more affluent students—our top priorities. To accomplish this, our bill centers around three principles.

First, we believe that we must provide more funding for education—and that Federal dollars must be targeted to disadvantaged students. Federal funds make up only 7% of all money spent on education, so it is essential that we target those funds on the students who need them the most.

Second, we believe that States and local school districts are in the best position to know what their educational needs are. Three R’s gives them more flexibility to determine how they will use Federal dollars to best meet those needs.

Finally—and I believe this is the lynchpin of our approach—we believe that in exchange for this increased flexibility, there must also be accountability for results. These principles are a pyramid, with accountability being the base that supports the federal government’s grant of flexibility and funds.

For too long, we have seen a steady stream of Federal dollars flow to States and school districts—regardless of how well they educated their students. This has to stop. We need to reward schools that do a good job. We need to provide assistance and support to schools that are struggling to do a better job. And we must stop subsidizing failure. Our highest priority must be educating children—not perpetuating broken systems.

Mr. President, the “Three R’s bill takes a fresh look at public education. I believe it represents a real middle ground, building upon all the progress we’ve made and tackling the problems we still face. This bill—by using the concepts of increased funding, targeting, flexibility—and most importantly, accountability—demonstrates how we can work with our State and local partners to make sure every child receives the highest quality education—and a chance to live a successful, productive life. I urge my colleagues to support the Lieberman-Bayh amendment.

Mr. BRYAN. Mr. President, the quality of education in this country is of enormous concern to the American people, and is a defining issue in Congress this year. I believe that few priorities are more important than the future of our Nation’s youth. When Americans lack education and skills, demands on Government support rise, and the long-term financial costs to the Nation are enormous. Our primary goal during this debate is to find the best way to bring every one of our students up to a high level of academic performance, in order that they may be successful, contributing members of the national and global economy.

As a former Governor of Nevada, I believe that education is first a State and local responsibility. Creative and innovative education programs have been initiated by many governors at the state level, and the local school districts who interact with students and families in their communities on a daily basis are better positioned than federal bureaucrats to identify their schools’ specific needs, and to target the appropriate resources to meet these needs.

The primary purpose of the New Democrat amendment to the Elementary and Secondary Education Act, introduced by Senators LIEBERMAN and BAYH and of which I am a cosponsor, is to deliver better educational results by helping states and local school districts raise academic achievement for all children. The amendment recognizes that the Federal Government has an important role to play in working with states and localities on education. It also calls on the Federal Government to work with states to strengthen the standards by which states and local districts are held accountable for increased student achievement, and at the same time, to give states the flexibility to choose the programs that work best for their districts and schools.

The Federal Government has assumed the specific responsibility of ensuring that all students, especially those students who face significant disadvantages, receive a quality education, thereby preparing them to function as successful adults and to lead fulfilling lives. The Lieberman/Bayh amendment fulfills this responsibility by setting clear national goals. These goals are to increase targeting to schools with highest poverty concentrations; to consolidate professional development and teacher training initiatives to improve teacher, principal and administrator quality; to help immigrant students become proficient in English and achieve high levels of learning in all subjects; and to stimulate “High Performance Initiatives” by giving states money to choose what programs work best for raising the academic achievement of their students. States can use this “High Performance Initiatives” money to focus on priorities they deem necessary to the education of their students; priorities such as innovative school improvement strategies, expanding after-school and summer school opportunities, improving school safety and discipline, and developing technological literacy. These are all important goals.

More specifically, the Lieberman/Bayh amendment operates under the philosophy that getting money to those students who need it the most is crucial, and it strengthens our national commitment to targeting aid to disadvantaged students and schools. Under title I, the New Democrat alternative’s formula sends 75 percent of new money to states and local districts with the highest concentrations of poverty. The amendment also distributes teacher quality money based on poverty and student population, and distributes money to help immigrant students become proficient in English and achieve high levels of learning by targeting aid to states with high concentrations of student with limited English proficiency.

Within the parameters of the Lieberman/Bayh amendment, states and localities get flexibility to choose what programs and strategies work best to raise their students’ achievement. The amendment strengthens the decisionmaking authority of state and local officials by eliminating some of the strings that come attached to federal dollars. Under this new approach, states develop their own academic standards, their own assessments for measuring annual progress in student achievement, and their own goals for improving school performance. States also choose which initiatives and programs are of priority, and which will work best to raise academic achievement.

At the same time that states have this new flexibility, national interests and federal goals are protected and advanced, both fiscally and educationally. The new Democrat alternative does this by holding states accountable

for meeting the standards they set. Money is not enough to raise student achievement. Along with the added money and flexibility in the amendment, states and districts are given the responsibility of setting performance goals for their students, and of demonstrating clear progress towards these goals.

Not all currently funded educational programs produce the great results we are looking for. The Lieberman/Bayh amendment sets measurable standards so that states and local districts can evaluate the programs they are using, and see what is and what is not raising their students' academic achievement. The states have the flexibility to choose the programs that work best for their student populations, but the Federal Government, under the Lieberman/Bayh amendment, holds them accountable for raising student achievement.

Under the new Democrat alternative, there are real consequences for chronic failure. For the first time ever, states that fail to meet the performance objectives under any title would be penalized. After 3 years of failure, a state's administrative funding would be cut by 50 percent, and after 4 years of failure, programming funds to the state under the "High Performance Initiatives" title would be cut by 30 percent. The Lieberman/Bayh amendment also requires states to impose sanctions on local school districts that fail to meet annual performance goals, and rewards states who exceed their goals by receiving even greater flexibility in using their program funding to meet their own specific priorities. In this way, Federal funding is directly linked to the performance of schools in meeting the goals the schools themselves have set.

In summary, the new Democrat alternative was written with the underlying philosophy that state and local officials are better positioned than Federal bureaucrats to identify their specific needs, and to target the appropriate resources to meet these needs. At the same time, the amendment sets clear national goals and holds states responsible for producing progress toward these goals. The current system is far less fiscally responsible than the Lieberman/Bayh approach because it does nothing to ensure that taxpayer dollars are getting a real return on their investment. In the Lieberman/Bayh amendment, the Federal Government maintains control and plays a role in setting national priorities in education. It also strengthens our national commitment to target aid to disadvantaged students and schools, and holds states accountable for producing results in exchange for the flexibility. In conclusion, I would like to express my support for the new Democrat alternative amendment, introduced by Senators LIEBERMAN and BAYH, because I believe it will significantly and positively reform the current education system, while successfully raising the academic achievement of all students.

Mr. KERRY. Mr. President, I rise to discuss the Lieberman amendment to ESEA. I am very supportive of the efforts of the Senator from Connecticut and my other colleagues who have worked so diligently on this amendment. This amendment is based upon a theory that I am very supportive of: increased flexibility in exchange for increased accountability. This means that States and school districts should have more flexibility in using Federal funds, but they must meet certain achievement measures, and most important, those achievement gains must hold true for children of all races, all ethnicities, and regardless of gender. Therefore, I am sorry that I am not rising in support of this amendment, because it includes many components of education reform that I firmly believe are necessary to improving the public education system for all students.

The Lieberman amendment would target the title I formula even more to the most highly disadvantaged students. This amendment would also dramatically increase our investment in the title I program. The Federal Government's number one priority should and must be to ensure that economically disadvantaged students are provided with supplementary educational resources, and I commend my colleagues for increasing this critical investment in this program.

The Lieberman amendment would also increase the accountability of Federal dollars, a component of education reform that I know is critical to improving the public education system. The Federal Government has an obligation to ensure that we are getting the most from our investment in public education, by holding our teachers, our schools, and our students accountable to the highest standards. This amendment would make a great step toward increasing the Federal Government's investment in accountability. Accountability is the third side of an education triangle that also includes standards and assessments. Now that many states have adopted high standards and tests to measure students' progress toward those benchmarks, they have turned their attention to making sure that performance matters. Achieving real accountability in our schools is a large part of what this amendment is all about and I believe increased accountability is critically important for the state of public education in this country. Again I commend my colleagues for focusing their amendment on this important element of public school reform.

The Lieberman approach focuses on public school choice, another element of public education reform that I support and know to be critical to improving educational attainment for all children. Public school choice is becoming more and more a part of the American educational system. In 1993, only 11% of students attended schools chosen by their parents. In 1999, 15% of students attended schools chosen by their par-

ents. While still serving a relatively small percentage of students, charter schools and magnet schools are becoming an increasingly common tool to improve the education of our nation's children. In 1994, there were only 100 charter schools in this country. Today, there are 1,700. Currently there are over 5,200 magnet schools serving approximately 1.5 million students. Magnet schools foster diversity and promote academic excellence in math, science, performing arts and marketable vocational skills.

Parents deserve more choice in their children's public schools. Increasing parental choice will allow healthy competition between public schools. Choice, of course, necessarily implies that one thing is being chosen over another. As a result, choice means competition which is a force that often hastens change and improvement in any organization or system. All schools, district and charter, are forced by competition to examine why parents, students, or prospective teachers might be choose to go to other schools. Even teachers' unions and school board associations are signing on to the concept of publicly funded schools that operate outside most state and district regulations. In early 1996, the National Education Association promised \$1.5 million to help its affiliates start charter schools in five States and to study their progress. I am pleased that my esteemed colleagues have made public school choice a primary component of this amendment.

This amendment also deals with an issue we have frequently discussed during this ESEA debate: the consolidation of many Federal programs. Let me say that I am not opposed to consolidating some Federal programs. I do believe that there are important programs that are not overly burdensome on states and schools and that have proven successful, and I believe that the success of these programs is due in part on the competitive grant process and Federal guidelines of the programs. I know the Federal Government does not have all the answers and that we cannot always anticipate the needs of states and local school districts throughout this country, and though I have some specific concerns about the level of consolidation in the Lieberman amendment, I support the streamlining of Federal programs and providing flexibility to states and school districts.

Despite my support for so many things in this amendment, I am ultimately unable to support the Lieberman approach. The Federal Government is the only entity that ensures funding is provided to the most disadvantaged populations in this country, like migrant children, homeless and runaway youth, and immigrant children. I am greatly concerned about the loss of Federal support for these vulnerable youth. Therefore, I cannot support the Lieberman approach despite my commitment to so many of its

provisions. The Federal Government's involvement in education has always been to ensure that vulnerable populations are provided the additional funds that are necessary to their educational success. And I have heard from those people in Massachusetts who work with homeless young people and with troubled youth. And they have told me how incredibly important this Federal money is to these children. These children have so much going against their ability to succeed, I believe we must maintain our commitment to those children.

I am encouraged by the work my colleagues have done on this amendment. I am supportive of their new approach to public education reform and their attempt to draft legislation that would attract the support of both Republicans and Democrats. I am frustrated and saddened by the very partisan nature of this year's ESEA debate, and commend my colleagues for their fresh approach to ESEA reauthorization and their attempts to attract support from both sides of the aisle.

I regret that I cannot support this amendment, but I look forward to working with many my colleagues to address the concerns that I and other Senators have. I hope we can resolve these concerns and that we can bring this divided Senate together on the issue of public education. I look greatly forward to working with my colleagues in the future and deeply appreciate their hard work and new perspective on this critically important issue.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator controls 5 minutes before the vote.

Mr. KENNEDY. I yield myself 4½ minutes.

Mr. President, first of all, I thank Senator LIEBERMAN and his cosponsors for the focus and attention they have given to really the central priority for all families in this country in the area of education. The restlessness those Senators and others have with regard to making sure we are going to try to reach every needy child in this country is something we all should embrace and support.

I am not sure at this hour of the day, so to speak, in terms of the Elementary and Secondary Education Act, if it is possible to bring about the kind of change and focus that is desirable. But there are broad areas of support and agreement for that concept in terms of enhanced resources and enhanced accountability.

I certainly look forward to working with him in the future on this whole area of education.

I think the ideas that have been out there in terms of Safe and Drug-Free Schools, which has been basically a bipartisan effort in giving national focus and attention to that, and a sense of urgency, are still important to preserve. Senator DEWINE and Senator

DODD worked out an effort in that area in our committee. I think it is important to preserve it. The progress we have made in technology I think is worth preserving. The afterschool programs are really the most heavily subscribed programs. They also have bipartisan support and are a matter of national urgency. I don't think they have gotten the kind of attention they should have in the Lieberman amendment.

Finally, there are several programs that are working very well in terms of being included in the consolidation program. One of them I have particular interest in is "Ready to Learn." There is \$11 million on "Ready to Learn." It is done through the Public Broadcasting System. It reaches 94 percent of the country, 87 million homes, 37 million children, and received 57 Emmys. If you ask any public broadcaster in the 130 stations nationwide what the best children's program is, they will mention this one. I don't want to see that lost and sent back to any State thinking that could be re-composed.

The Star Schools Program works through nonprofits, again, led by strong bipartisan support, to try to reach out to schools that may not have a math and science teacher and up-to-date educational programs, and has been done through a number of States. It has been very effective through nonprofits. That is another program. It is a small program, but it has enormous educational values.

With reluctance, because I have great friendship and affection for my friend from Connecticut, I will not vote in support of it. But I want to certainly guarantee to him and to all of those who have been uniformly strong sponsors in our committee that I want to work closely with our colleagues on the other side to try to give greater focus and attention to the problems of the neediest students in the country.

I yield the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. All time has been yielded.

Do the Senators wish the vote to begin early?

Mr. COVERDELL. Mr. President, I ask unanimous consent that we proceed with the vote.

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

The question is on agreeing to amendment No. 3127. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH), the Senator from Tennessee (Mr. THOMPSON), and the Senator from Nebraska (Mr. HAGEL) are necessarily absent.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Are there any other

Senators in the Chamber who desire to vote?

The result was announced—yeas 13, nays 84, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—13

Bayh	Graham	Lincoln
Breaux	Johnson	Moynihan
Bryan	Kohl	Robb
Edwards	Landrieu	
Feinstein	Lieberman	

NAYS—84

Abraham	Durbin	Mack
Akaka	Enzi	McCain
Allard	Feingold	McConnell
Ashcroft	Fitzgerald	Mikulski
Baucus	Frist	Murkowski
Bennett	Gorton	Murray
Biden	Gramm	Nickles
Bingaman	Grams	Reed
Bond	Grassley	Reid
Boxer	Gregg	Roberts
Brownback	Harkin	Rockefeller
Bunning	Hatch	Santorum
Burns	Helms	Sarbanes
Byrd	Hollings	Schumer
Campbell	Hutchinson	Sessions
Chafee, L.	Hutchison	Shelby
Cleland	Inhofe	Smith (NH)
Cochran	Inouye	Smith (OR)
Collins	Jeffords	Snowe
Conrad	Kennedy	Specter
Coverdell	Kerrey	Stevens
Craig	Kerry	Thomas
Crapo	Kyl	Thurmond
Daschle	Lautenberg	Torricelli
DeWine	Leahy	Voinovich
Dodd	Levin	Warner
Domenici	Lott	Wellstone
Dorgan	Lugar	Wyden

NOT VOTING—3

Hagel	Roth	Thompson
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The amendment (No. 3127) was rejected.

Mr. KENNEDY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—AFRICA TRADE CONFERENCE BILL REPORT

Mr. LOTT. If I could get this unanimous consent request in, then we would understand what the procedure would be for today and tomorrow and even Thursday morning. So if my colleagues will bear with me one moment.

Mr. President, I ask unanimous consent that at 9:30 a.m. on Wednesday, the Senate proceed to the conference report to accompany the Africa trade bill, that the report be considered as having been read, and the vote occur on adoption of the motion to proceed immediately, and following the vote and the reporting by the clerk, I be immediately recognized to send a cloture motion to the desk. I also ask unanimous consent that the cloture vote occur on Thursday, May 11, at 10:30 a.m., with the mandatory quorum having been waived.

This has been discussed with the Democratic leadership.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, I would like to see if we could give at least some assurances to the Members about when we would come back to deal with the education legislation.

As the Senator himself knows, this is our one chance every 5 or 6 years to try to deal with this issue. We have been making some progress during the course of these last few days. We do not have a whole long list of amendments, and we are prepared to deal with short time limits.

I am wondering now whether the leader could give us at least some idea when we are going to come back to it.

Mr. LOTT. Let me again emphasize, first, that this would provide for a vote at 9:30 in the morning on the motion to proceed to the Africa and CBI trade bill. If it is agreed to, then the cloture vote, by agreement, will be Thursday morning at 10:30.

With regard to the Elementary and Secondary Education Act, our colleagues probably are aware we have already agreed that there are two more amendments that, by unanimous consent, we would go to next—the Stevens-Jeffords and others amendment; to be followed by a Kennedy amendment. So we have the next group of two amendments that would be in order.

I have discussed this with Senator DASCHLE. It is our intent, now that we have appropriations bills that are becoming available, that, for probably now on into the summer, we are going to be dual-tracking bills wherever it is necessary, so we can get an appropriations bill done or an urgent bill such as the conference report on Africa trade and CBI. There is a belief we should go ahead and get that done and move to appropriations bills when they are available, and then come back to the authorizations, whether it is the elementary and secondary education bill or trade bill or whatever it may be.

So it is our intent to come back to ESEA and proceed with the amendments that it is already been agreed we will consider next while we work to see if we can get another grouping of two or more amendments to be considered.

I agree, there has been good debate. The amendments have been focused on elementary and secondary education, and we have amendments still pending on both sides that relate to that. As long as there is that kind of cooperation and progress being made, I think we should continue to pursue it.

So it is my intent to come back to elementary and secondary education, if not later on this week, then next week, when we have a window.

Mr. KENNEDY. Mr. President, I appreciate what the Senator has said. As I understand, he will make the best effort to come back to it this week, but we will have an opportunity to come back to it next week. Is that the leader's plan?

Mr. LOTT. That is my hope and intent. We should be able to do that and continue to move appropriations bills, also.

Again, it will take cooperation on the MILCON construction appropriations bill, which does have the military funding for Kosovo and for the fuel costs. We have the agriculture bill that is available that has, I believe, the disaster funding in it in addition to the regular agricultural appropriations programs. And the Foreign Operations bill has been reported.

But we will work with the leadership as to exactly when those will come up. We will try to move through those three as quickly as we can and try to move the Africa trade bill with the CBI provisions, and the ESEA. I think those three appropriations bills and these two—the conference report and this authorization bill—will take the remainder of the time probably for the next couple weeks. We are going to stay on it.

Mr. KENNEDY. Mr. President, just further reserving the right to object, and I will not object, I take the assurances of the leader that we will return to this in every expectation next week. I think there are many of us who believe this issue is of equal importance to a number of the appropriations bills, since we are talking about appropriations next fall, next October, and we are running late in terms of the ESEA. So there is a real sense of urgency about it. But I am grateful to the leader for giving us those assurances.

I do not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, if I could go further, I ask unanimous consent that the time between 9:30 a.m. and 10:30 a.m. on Thursday be equally divided in the usual form on the subject of the African and CBI trade bill.

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

Mr. LOTT. Therefore, a rollcall vote will occur at 9:30 a.m. on Wednesday, and a vote is scheduled for 10:30 a.m. on Thursday. There may be additional votes after that.

I think Members should expect additional votes on Thursday, although we have not agreed to what they would be at this point.

I do want to note that I certainly believe the Elementary and Secondary Education Act is very important. That is why we have been on it the second week. We have given a lot of time to it. I think that is fine. This is a high priority in the minds of the American people and every State in the Nation, and with us.

However, the appropriations bills each have emergency provisions in them—an emergency for the Kosovo funding and the fuel costs for our military; the agriculture bill has the emergency disaster funding in it, though some of it for North Carolina, and expected disasters; and the Foreign Oper-

ations bill has funding in it for the very dangerous situation involving Colombian drugs. That is why we are going to be trying to move those as quickly as possible.

I thank my colleagues and announce there will be no further votes this evening.

## EDUCATIONAL OPPORTUNITIES ACT—Continued

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 3139

(Purpose: To provide for early learning programs, and for other purposes)

Mr. STEVENS. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. DODD, Mr. DOMENICI, Mr. BOND, Mr. KERRY, Mr. VOINOVICH, Mr. LAUTENBERG, Mrs. MURRAY, Mr. COCHRAN, Mr. BINGAMAN, Mr. SMITH of Oregon, Mr. DURBIN, Mr. L. CHAFEE, Mr. BAUCUS, Mr. MURKOWSKI, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROBERTS, Mr. WELLSTONE, Mrs. FEINSTEIN, Ms. MIKULSKI, Ms. SNOWE, Mrs. BOXER, Mr. KERREY, Mr. SPECTER, and Mr. WARNER proposes an amendment numbered 3139.

Mr. STEVENS. I ask unanimous consent reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. STEVENS. Mr. President, I yield to the Senator from West Virginia to make a short statement.

The PRESIDING OFFICER. The Senator from West Virginia.

## KOSOVO AMENDMENT

Mr. BYRD. Mr. President, the Senate Appropriations Committee today adopted, by a very strong bipartisan vote, an amendment authored by Senator WARNER and myself that addresses the ongoing role of United States participation in the Kosovo peacekeeping operation. Our amendment, which was attached to a Kosovo supplemental appropriations package, is cosponsored by Senator STEVENS and a number of other Senators on both the Appropriations and Armed Services Committees.

The Byrd-Warner amendment goes to the heart of the constitutional responsibility of Congress to address issues involving the deployment of U.S. military troops to politically unstable and potentially dangerous war-ravaged nations overseas.

I am troubled by the trend that has developed in recent years to de facto authorize military operations through appropriations bills without further congressional discussion or debate on the policy. Under this practice, the Executive Branch determines how and

where it will spend the money, and how much money it will spend, and then presents the bill to Congress. We saw it happen in Bosnia, in Haiti, in Somalia, and now it is happening in Kosovo.

Mr. President, I do not believe that such a back-door authorization process is what the founding fathers had in mind when they delegated to Congress alone the power of the purse.

By continuing to allow the Executive Branch to deploy U.S. troops overseas and merely send the bill to Congress later, Congress is effectively abrogating its responsibility under the Constitution and to the American people.

The Byrd-Warner amendment restores congressional oversight to the calculation. Our amendment cuts off funding for the continued deployment of U.S. ground combat troops in Kosovo after July 1, 2001, unless the President seeks and receives congressional authorization to continue such deployment. At the same time, the amendment requires the President to develop a plan to turn the Kosovo peacekeeping operation entirely over to our allies by July 1, 2001.

The amendment provides ample time and an orderly process for this President, and the next President, to either develop a plan to turn the ground troop element of the Kosovo peacekeeping operation entirely over to the Europeans, or to seek congressional authorization to keep United States ground troops in Kosovo.

As an interim step, the amendment withholds 25 percent of the Kosovo money included in the supplemental appropriations package pending certification by the President that America's allies are making adequate progress in meeting their monetary and personnel commitments to the Kosovo peacekeeping operation. The certification is due by July 15. If the President cannot make the certification, the funds held in reserve can only be used to withdraw United States troops from Kosovo unless Congress votes otherwise.

Mr. President, this is a reasoned and reasonable approach to dealing with foreign peacekeeping operations. Senator WARNER and I believe that it can be executed without major disruption to the NATO peacekeeping mission in Kosovo. We are not turning our backs on Kosovo. We are not attempting to micromanage the Pentagon. We are merely attempting to restore congressional oversight to the peacekeeping process.

When it comes to exercising its constitutional authority, Congress has been sleeping on its rights. This amendment is a long overdue wake-up call. I thank Senator WARNER for his work on the amendment, and for his unswerving dedication to the nation and to the Senate, and I look forward to continuing to work with him on this very important issue.

Mr. WARNER. Mr. President, I am pleased to join today with my distinguished colleague, the senior Senator from West Virginia, as his principal co-

sponsor on this important Kosovo amendment which was adopted this morning by the Appropriations Committee. We have worked together as partners on this endeavor for the past several weeks, and I have confidence that the outcome of our efforts is sound precedent for our Nation's security policy.

The amendment which will soon be before the full Senate is a true collaboration—a melding of the original Warner certification amendment and the long-standing efforts of Senator BYRD to ensure that Congress exercises its constitutional role in decisions to deploy U.S. troops into harm's way.

There are two main goals that we are seeking to accomplish: first, to ensure that our allies are shouldering their commitments, their fair share of the burden for implementing stability and peace in Kosovo; and, second, to require the Congress to fulfill its constitutional responsibility to vote on the continued deployment of U.S. ground combat troops in Kosovo.

I would like to address—up front—what we are not doing with this amendment. We are not doing a “cut and run” from Kosovo. We are not deserting our NATO allies. I want to be very clear on these points. We are simply saying that our allies must fulfill the commitments which they made—I repeat, which they made—to provide assistance and personnel to rebuild the civil society in Kosovo; and that the Congress must take action—vote—to specifically authorize the continued presence of United States ground combat troops in Kosovo after July 1, 2001.

These are not precipitous or ill-conceived measures. They are supported by a respected group of cosponsors who are all strong supporters of NATO and who are determined not to let the United States military simply drift into an endless presence in Kosovo. The vote in the Appropriations Committee was overwhelmingly in favor of the Byrd-Warner amendment—23 to 3.

I would like to address in detail the certification requirement contained in this amendment, as it is an updated version of an amendment I originally put before the Senate on March 9. Subsection (d) of the Byrd-Warner amendment would provide 75 percent of the over \$2 billion contained in the Supplemental for military operations in Kosovo immediately—no strings attached. The expenditure of the remaining 25 percent of the funding would be dependent on a certification by the President that our allies had provided a certain percentage of their commitments of assistance and personnel to Kosovo. If the President is not able to make that certification by July 15, 2000, then the remaining 25 percent of the Kosovo funds contained in the fiscal year 2000 supplemental could be used only to conduct the safe, orderly and phased withdrawal of our troops from Kosovo. This limitation could be overcome by a vote of the Congress—under expedited procedures—to allow

the money to be used for the continued deployment of our troops in Kosovo, despite the lack of the Presidential certification.

Why do I feel so strongly about our Allies meeting their commitments in Kosovo? Because of the sacrifices of our brave men and women in uniform who bore the major share of the burden for the air war in Kosovo, and the continuing sacrifices of our troops, today and for the future, on the ground in Kosovo. As my colleagues know, the United States flew almost 70 percent of the total number of strike and support sorties in Operation Allied Force, at great personal risk, particularly to our aviators, and at a cost of over \$4 billion to the U.S. taxpayers.

In return, the Europeans have promised to pay the major share of the burdens to implement and secure the peace. So far, they have committed and pledged billions of dollars and thousands of personnel for this goal. The problem is that not enough of the money or the necessary personnel have made it to Kosovo.

Since I first signaled my intentions on this amendment several months ago, considerable progress has been made—I gratefully acknowledge this. There has been a positive response from our allies. But more needs to be done, particularly in the areas of police and reconstruction.

What is happening as approval of this assistance for Kosovo is slowly working its way slowly through the bureaucracies in Europe? Our troops, and the troops of other nations, are having to make up for the shortfall—by performing basic police functions, running towns and villages, guarding individual homes and historic sites, escorting ethnic minorities—all functions for which they were not specifically trained and which increase their level of personal risk. When will this end? Time is of the essence as our troops stand in harm's way until relieved, in large measure, by civilians specially trained.

General Klaus Reinhardt, the fine German general who recently relinquished command of KFOR, said that he expects military elements of KFOR to be in Kosovo for a decade. I find this unacceptable, but I can see how it is possible if we do not move quickly to establish the basic economic and security infrastructure in Kosovo that is essential for long-lasting stability in that troubled region. That is one of the main goals of this amendment—to spur our allies on to quickly fulfill their commitments.

What we cannot—must not—allow to happen is for the current situation in Kosovo to drift on. There are problems. They must be addressed and addressed in a timely manner.

The principal sponsor of this amendment, the distinguished senior Senator from West Virginia and noted historian has eloquently addressed the constitutional responsibility of the Congress in deploying U.S. military forces overseas. I would simply add that it is

time—past time—for the Congress to fulfill its obligations regarding our deployment to Kosovo. Since last June, the United States has had thousands of troops engaged in a dangerous operation in Kosovo, and thus far Congress has taken no action, other than emergency supplemental appropriations, on this deployment.

This is disappointing, but not surprising. The last time the Congress exercised its constitutional responsibility to declare war was during World War II. Since that time, the United States military has been involved in over 100 military deployments—including the Korean conflict and the war in Vietnam, and where has the Congress been during all of that time? We occasionally pass resolutions authorizing the use of force—as we did for the Persian Gulf conflict—but more often than not, we simply fail to act. That must stop. We owe it to our brave men and women in uniform to act on their behalf. They are fulfilling their responsibilities; we must fulfill ours.

This amendment does not say we must leave Kosovo. This amendment does not mean that we are shirking our NATO responsibilities. This amendment simply says that Congress—as a co-equal branch on foreign policy matters—must exercise its constitutional responsibilities and authorize the continued deployment of United States ground combat troops in Kosovo.

I urge my colleagues to join us in our effort to prevent an open-ended United States military commitment in Kosovo.

Mr. President, in summary, the Byrd-Warner amendment was today adopted by an overwhelming majority of 23 to 3 in the Senate Appropriations Committee.

This is an amendment on which Senator BYRD and I have worked for the better part of 2 months. We have had extensive consultations with a number of our colleagues, and thus far we have, as cosponsors, Senators STEVENS, INOUE, THURMOND, ROBERTS, SNOWE, INHOFE, GREGG, SMITH of New Hampshire, and SESSIONS. There are others who will be added in due course.

Senator BYRD and I are concerned about two things: The indefinite commitment of our troops into the Kosovo situation and that indefinite commitment not being backed up by an affirmative action of the Congress of the United States, which has a clear responsibility to act when we send young men and women into harm's way.

This is not a cut-and-run amendment. This is simply an assertion that the United States together with its allies is trying to bring about peace and stability in that region. We have succeeded after an extensive 78-day combat mission, 70 percent of which missions were flown by the U.S. airmen. It is time to address the future and to have our allies meet their commitments in a timely fashion, commitments they made prior to the combat action and shortly thereafter.

Secondly, we believe there should be some certainty as to how long our troops must remain in this commitment. It cannot be indefinite. We are, as a nation, now with troops all over the world. And we are stretched. We are having problems with retention, problems with recruiting because of the overextension of the U.S. military forces.

What Senator BYRD has emphasized—and many times on the floor of the Senate—is it is the duty of the Congress of the United States, through a vote, to affirm the policies of the executive branch as we deploy our troops into harm's way.

So those are the basic elements of this amendment.

I ask unanimous consent that a copy of the amendment be printed in the RECORD.

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

#### BYRD-WARNER AMENDMENT

At the appropriate place, insert the following new section:

#### SEC. —. LIMITATION ON AVAILABILITY OF FUNDS FOR UNITED STATES GROUND COMBAT TROOPS IN KOSOVO.

##### (a) LIMITATION.—

(1) IN GENERAL.—Subject to subsection (d) and except as provided in paragraph (2), none of the funds appropriated or otherwise made available under any provision of law (including unobligated balances of prior appropriations) shall be available for the continued deployment of United States ground combat troops in Kosovo after July 1, 2001, unless and until—

(A) the President submits a report to Congress—

(i) containing a request for specific authorization for the continued deployment of United States ground combat troops in Kosovo;

(ii) describing the progress made in implementing the plan required by subsection (b); and

(iii) containing the information described in subsection (c); and

(B) Congress enacts a joint resolution specifically authorizing the continued deployment of United States ground combat troops in Kosovo.

(2) EXCEPTIONS.—The limitation in paragraph (1) shall not apply to the continued deployment in Kosovo of such number of United States ground combat troops as are necessary—

(A) to conduct a safe, orderly, and phased withdrawal of United States ground forces from Kosovo in the event that the continued deployment of United States ground combat troops in Kosovo is not specifically authorized by statute; or

(B) to protect United States diplomatic facilities in Kosovo in existence as of the date of the enactment of this Act.

##### (3) WAIVER.—

(A) IN GENERAL.—Except as provided in subparagraph (B), absent specific statutory authorization under paragraph (1)(B), the President may waive the limitation in paragraph (1) for a period or periods of up to 90 days each in the event that—

(i) the Armed Forces are involved in hostilities in Kosovo or that imminent involvement by the Armed Forces in hostilities in Kosovo is clearly indicated by the circumstances; or

(ii) NATO, acting through the Supreme Allied Commander, Europe, requests the emer-

gency introduction of United States ground forces into Kosovo to assist other NATO or non-NATO military forces involved in hostilities or facing imminent involvement in hostilities.

(B) EXCEPTION.—The authority of subparagraph (A) may not be exercised more than twice unless Congress enacts a law specifically authorizing the additional exercise of the authority.

(4) REPORT ON SUBSEQUENT DEPLOYMENTS.—Absent specific statutory authorization under paragraph (1)(B), whenever there is a deployment of 25 or more members of the United States Armed Forces to Kosovo after July 1, 2001 pursuant to a waiver exercised under paragraph (3), the President shall, not later than 96 hours after such deployment begins, submit a report to Congress regarding the deployment. In any such report, the President shall specify—

(A) the purpose of the deployment; and

(B) the date on which the deployment is expected to end.

(5) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to prohibit the availability of funds for the deployment of United States noncombat troops in Kosovo to provide limited support to peacekeeping operations of the North Atlantic Treaty Organization (NATO) in Kosovo that do not involve the deployment of ground combat troops, such as support for NATO headquarters activities in Kosovo, intelligence support, air surveillance, and related activities.

##### (b) PLAN.—

(1) IN GENERAL.—The President shall develop a plan, in consultation with appropriate foreign governments, by which NATO member countries, with the exception of the United States, and appropriate non-NATO countries will provide, not later than July 1, 2001, any and all ground combat troops necessary to execute Operation Joint Guardian or any successor operation in Kosovo.

(2) QUARTERLY TARGET DATES.—The plan shall establish a schedule of target dates set at 3-month intervals for achieving an orderly transition to a force in Kosovo that does not include United States ground combat troops.

##### (3) DEADLINES.—

(A) INTERIM PLAN.—An interim plan for the achievement of the plan's objectives shall be submitted to Congress not later than September 30, 2000.

(B) FINAL PLAN.—The final plan for the achievement of the plan's objectives shall be submitted to Congress not later than May 1, 2001.

##### (c) REPORTS.—

(1) MONTHLY REPORTS.—Beginning 30 days after the date of enactment of this joint resolution, and every 30 days thereafter, the President shall submit a report to Congress on the total number of troops involved in peacekeeping operations in Kosovo, the number of United States troops involved, and the percentage of the total troop burden that the United States is bearing.

(2) QUARTERLY REPORTS.—Beginning 3 months after the date of enactment of this joint resolution, and every 3 months thereafter, the President shall submit to Congress a report on—

(A) the total amount of funds that the United States has expended on peacekeeping operations in Kosovo, and the percentage of the total contributions by all countries to peacekeeping operations in Kosovo that the United States is bearing; and

(B) the progress that each other country participating in peacekeeping operations in Kosovo is making on meeting—

(i) its financial commitments with respect to Kosovo;



(ii) its manpower commitments to the international civilian police force in Kosovo; and

(iii) its troop commitments to peace-keeping operations in Kosovo.

(d) CERTIFICATION.—

(1) IN GENERAL.—Of the amounts appropriated by this Act for fiscal year 2000 for military operations in Kosovo, not more than 75 percent may be obligated until the President certifies in writing to Congress that the European Commission, the member nations of the European Union, and the European member nations of the North Atlantic Treaty Organization have, in the aggregate—

(A) obligated or contracted for at least 33 percent of the amount of the assistance that those organizations and nations committed to provide for 1999 and 2000 for reconstruction in Kosovo;

(B) obligated or contracted for at least 75 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for humanitarian assistance in Kosovo;

(C) provided at least 75 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for the Kosovo Consolidated Budget; and

(D) deployed at least 75 percent of the number of police, including special police, that those organizations and nations pledged for the United Nations international police force for Kosovo.

(2) REPORT.—The President shall submit to Congress, together with any certification submitted by the President under paragraph (1), a report containing detailed information on—

(A) the commitments and pledges made by each organization and nation referred to in paragraph (1) for reconstruction assistance in Kosovo, humanitarian assistance in Kosovo, the Kosovo Consolidated Budget, and police (including special police) for the United Nations international police force for Kosovo;

(B) the amount of assistance that has been provided in each category, and the number of police that have been deployed to Kosovo, by each such organization or nation; and

(C) the full range of commitments and responsibilities that have been undertaken for Kosovo by the United Nations, the European Union, and the Organization for Security and Cooperation in Europe (OSCE), the progress made by those organizations in fulfilling those commitments and responsibilities, an assessment of the tasks that remain to be accomplished, and an anticipated schedule for completing those tasks.

(3) LIMITATION ON USE OF FUNDS.—If the President does not submit to Congress a certification and report under paragraphs (1) and (2) before July 15, 2000, then, beginning on July 15, 2000, the amount appropriated for military operations in Kosovo that remains unobligated under paragraph (1) shall be available only for the purpose of conducting a safe, orderly, and phased withdrawal of United States military personnel from Kosovo, unless Congress enacts a joint resolution allowing that amount to be used for other purposes. If Congress fails to enact such a joint resolution, no other amount appropriated for the Department of Defense in this Act or any other Act may be obligated to continue the deployment of United States military personnel in Kosovo. In that case, the President shall submit to Congress, not later than August 15, 2000, a report on the plan for the withdrawal of United States military personnel from Kosovo.

(e) CONGRESSIONAL PRIORITY PROCEDURES.—

(1) JOINT RESOLUTIONS DEFINED.—

(A) For purposes of subsection (a)(1)(B), the term “joint resolution” means only a joint

resolution introduced not later than 10 days after the date on which the report of the President under subsection (a)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: “That Congress authorizes the continued deployment of United States ground combat troops in Kosovo.”.

(B) For purposes of subsection (d)(3), the term “joint resolution” means only a joint resolution introduced not later than July 20, 2000, the matter after the resolving clause of which is as follows: “That the availability of funds appropriated to the Department of Defense for military operations in Kosovo is not limited to the withdrawal of United States military personnel from Kosovo.”.

(2) PROCEDURES.—A joint resolution described in paragraph (1) (A) or (B) shall be considered in a House of Congress in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473; 98 Stat. 1936).

Mr. WARNER. I thank my distinguished colleague for yielding the time. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

#### EDUCATIONAL OPPORTUNITIES ACT—Continued

Mr. STEVENS. Mr. President, this is an amendment that I have introduced with 27 cosponsors, and we invite other Members to join us. It is an amendment to deal with early learning opportunities of our children.

Research shows that children's brains are wired—literally wired—between the ages of birth and 6 years of age. The number of synapses that the brain forms, that is, the connections in the brain, depends upon the level of brain stimulation. The capacity to learn and interact successfully in society is determined even before children begin school. Long-term studies looking at data over 30 years show that children who participate in early learning programs are less likely to require special education, less likely to suffer from mental illness and behavior disorders, less likely to become pregnant before they are married, more likely to graduate from high school and college, less likely to be arrested and incarcerated, have lower recidivism rates if they are incarcerated, less likely to be violent and engaged in child or spousal abuse, and they earn higher salaries when they become adults. Both the General Accounting Office and the Rand Corporation made studies which showed that for each dollar invested in early learning programs, taxpayers saved between \$4 and \$7 in later years.

This amendment provides for block grants to States. States will work with local governments, nonprofit corporations, and even faith-based institutions to determine what is needed most at their own local level. Local entities can use the funds to expand Even Start, the program for children from birth to 3 years of age; expand Head Start to more children, expand it to full day or year-round coverage; offer

nursery and preschool programs; train parents and child care professionals in child development, and provide parent training and support programs for stay-at-home moms and dads.

The amendment provides set-asides for Indian tribes and Native groups and provides for a small State minimum of 0.4 percent. This amendment has been endorsed now by the Christian Schools International, by Parents United, United Way, some 1,400 local organizations, Fight Crime-Invest In Kids, 700 police chiefs, and the National Association for the Education of Young Children, Children's Defense Fund, Child Care Resource Center, National Black Child Development Institute, and the National Education Association.

As a father of six children, I come to this amendment late in my life. I only wish I had had the opportunity to have had this type of information available to me and my wife when we, as a very young, newly married couple, decided to have our family very quickly. We had five children in less than 5 years, and there is a lot we had to learn along the way.

This is a bill to try to make America think about what we want to be. We have invested heavily in science, and through the decade of the brain that was stimulated by our late departed friend, David Mahoney, and the group of scientists he put together with Dr. Jim Watson, who worked with him, we now know a lot more about the brain than we did a decade ago. Basically, we learned of the fantastic capability of young people to absorb knowledge and to be stimulated to develop the abilities to absorb even more knowledge as they grow older. I think this is one of the most important things I have been involved in during my life.

I believe it is a time for change, a time for us to recognize that young children—little babies—can be stimulated in a way that will assure their capability will be improved to learn and to be good citizens and, in particular, to be able to lead the kind of lives their parents dreamed they would lead. I thank every Member who has cosponsored this amendment, and I hope for its early adoption.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all, I express my appreciation for the excellent statement that the Senator from Alaska has just given and thank him for his leadership on this issue. I also thank the chairman, Senator JEFFORDS, for his hard work on this issue as well. Both of them have helped us understand how parents and other caregivers can have a very positive impact on children and infants at very early ages. I thank colleagues on our side, including my colleague from Massachusetts, Senator JOHN KERRY, who has been particularly interested in this issue and has spent a great deal of time on it, and also the Senator from Connecticut, Senator CHRIS DODD, who has

led our efforts on issues involving children for many, many years. Finally, I want to thank Stephanie Robinson of my staff, who is sitting here on my left, for her insight and diligence as we have worked through the details of this early learning proposal.

I think the Senator from Alaska has really outlined a compelling case for this issue. If we go back a little while and think of the first studies—the Perry Preschool Program, which Senator STEVENS mentioned—almost 30 years ago, where the results have been followed over a period of years and have documented how early interventions for children resulted in more positive academic and lifestyle outcomes for many children.

I think that the Perry Preschool study caught the attention of a lot of educators. Then we had the meeting in 1990 when the Governors were together—the Charlottesville meeting. Many of the issues we have been talking about these past few days recall the discussion surrounding early learning that the Governors initiated back in 1990. And there the Republican and Democratic Governors together announced that our first priority should be to have children ready to learn when they enter school. They understood what was happening in the States, and that early learning was a matter of enormous positive consequence for all educational and social service efforts. Even before brain research provided a clear medical basis, Governors sensed that “the earlier the better” in terms of early interventions.

Then we had the studies done by the Carnegie Commission in 1993, which focused on impacts of these early interventions. Later, when we had the Year of the Brain in 1996, I believe, we found further information as described by the Senator from Alaska, about the importance of proper stimulation to the formation of brain synapses in young children. Important work continued throughout the 1990's by Dr. Brazelton and Dr. Zigler, who are really the god-parents of this concept of early intervention.

The bottom line is that quality early learning experiences help children develop self-confidence, curiosity, social skills, and motor skills. These are the building blocks that children use to expand their interest in learning when they get to school. They may also develop a sense of humor. They certainly learn consideration of others. These are basic benefits of early learning, and they last a lifetime. They are absolutely essential in terms of learning and academic achievement, but also essential in terms of interpersonal skills, their own personal happiness, and their own productivity and contributions as members of a society.

As we debate education policy, we must continue to find common ground that enables us to act effectively. One of the most important opportunities is in early learning. Last month's Senate Budget Resolution included a bipar-

tisan amendment that reserved \$8.5 billion to improve early learning services throughout the Nation. The Senate is clearly moving toward a commitment to ensure that each of the 23 million American children under age six is able to enter school ready to learn.

Senator STEVENS and I worked together to build a strong bipartisan coalition for this reserve fund in the Senate resolution, and now is the time to continue these efforts. As we consider the investments that are needed in education, we cannot ignore early childhood learning.

Education occurs over a continuum that begins at birth and extends throughout life. The need to do more to make greater educational opportunities available in a child's very early years is clear. Study after study proves that positive learning experiences very early in life significantly enhance a child's later ability to learn, to interact successfully with teachers and peers, and to master needed skills. It is long past time to put this research into practice.

Just last week Fight Crime: Invest in Kids, a 700-member bipartisan coalition of police chiefs, sheriffs, and crime victims, released yet another convincing report. It finds that children who receive quality early learning are half as likely to commit crimes and be arrested later in life.

Early learning programs are good for children, good for parents and good for society as a whole. Unfortunately, far too many parents lack access to quality early learning activities for their children while they work. Although two thirds of mothers work outside the home, only 58% of 3- and 4-year-olds living above the poverty level, and 41% of those living below the poverty level, are enrolled in center-based early learning programs.

A dramatic recent survey found that more parents are satisfied with Head Start than any other federal program. But only two in five eligible children are enrolled in Head Start - and only one in 100 eligible infants and toddlers are enrolled in Early Head Start. As a result, literally millions of young children never have the chance to reach their full potential. What a waste! We must do better. We can do better.

The Committee for Economic Development reports that we can save over five dollars in the future for every dollar we invest in early learning today, the investment significantly reduces the number of families on welfare, the number of children in special education, and the number of children in our juvenile justice system. Investment in early learning is not only morally right - it is economically right.

We must steadily expand access to Head Start and Early Head Start. We must make parenting assistance available to all who want it. We must support model state efforts that have already proved successful, such as Community Partnerships for Children in Massachusetts and Smart Start in

North Carolina, which rely on local councils to identify the early learning needs in each community and allocate new resources to meet them. We must give higher priority to early childhood literacy. In ways such as these, we must take bolder action to strengthen early learning opportunities in communities across the Nation.

The Rand Corporation reports: “After critically reviewing the literature and discounting claims that are not rigorously demonstrated, we conclude that these [early learning] programs can provide significant benefits.” Governors, state legislatures, local governments, and educators have all called for increased federal investments in early learning as the most effective way to promote healthy and constructive behavior by future adults. As we strengthen education policy, we cannot lose sight of the evidence that education begins at birth—and is not a process that occurs only in a school building during a school day.

We must examine children's experience during the five or six years before they walk through their first schoolhouse door. Our goal is to enable all children to enter school ready to learn, and maximize the impact of our investments in education.

It is especially important that low-income parents who accept the responsibility of work under welfare reform to have access to quality early learning opportunities for their children. The central idea of welfare reform is that families caught in a cycle of dependence can be shown that work pays. Today I am proud to stand with so many Senators who agree that children's development must not be sacrificed as we help families move from welfare to work.

A decade ago the Nation's Governors agreed that helping children enter school ready to learn should be America's number one priority. We have made some progress since then, but we are still falling far short of our goal.

In Massachusetts, the Community Partnerships for Children Program currently provides quality full-day early learning for 15,300 young children from low-income families. Yet today in Massachusetts over 14,000 additional eligible children are waiting for the early learning services they need—and some have been on the waiting list for 18 months. A 1999 report by the Congressional General Accounting Office on early learning services for low-income families was unequivocal—“infant toddler care [is] still difficult to obtain.”

Even as the need to provide these opportunities increases, it is clear that many current facilities are unsafe. The average early learning provider is paid under seven dollars an hour—less than the average parking attendant or pet sitter. These low wages result in high turnover, poorer quality of care, and little trust and bonding with the children.

Here in the Senate, we have worked together for several months on a proposal to enable local communities to

fill the gaps that impair current early learning efforts. Our amendment provides \$3.25 billion for early learning programs over the next three years. Local councils will direct the funds to the most urgent needs in each community. The needs may include parenting support and education—improving quality through professional development and retention initiatives—expanding the times and the days children can obtain these services—enhancing childhood literacy—and greater early learning opportunities for children with special needs. These funding priorities are well-designed to strengthen early learning programs in all communities across the country, and give each community the opportunity to invest the funds in ways that will best address its most urgent needs.

I urge the Senate to approve it as a long overdue recognition of this important aspect of education reform.

Mr. President, I ask unanimous consent that several letters of support for this amendment be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, so ordered. (See Exhibit 1.)

Mr. KENNEDY. Mr. President, when the Senator brings this to the attention of the Senate, it is a matter of enormous importance and significance. I pay tribute to him and to our chairman, Senator JEFFORDS, who has been a strong supporter. I know there are others on that side, but they have been real giants in this area of concern and have been enormously constructive and helpful in moving us towards a legislative initiative in this area.

I am very grateful to my colleagues, Senator KERRY and Senator DODD, for the extraordinary work they have done.

I am very hopeful that at an early time we can have favorable consideration.

#### EXHIBIT 1

COMMONWEALTH OF MASSACHUSETTS,  
DEPARTMENT OF EDUCATION,  
Malden, MA, May 5, 2000.

Hon. EDWARD M. KENNEDY,  
Russell Senate Building, U.S. Senate,  
Washington, DC.

DEAR SENATOR KENNEDY: I want to express my strong support for the Early Learning Opportunities Act as an amendment to the Elementary and Secondary Education Act. High quality early care and education programs are vital to children's development as well as to the national goal for all children to enter school ready to learn. It is also essential that the methods used to increase support for families and young children be flexible and responsive to the diverse needs and resources of communities and families across the country.

The program outlined in this proposal is quite consistent with our state preschool program, Community Partnerships for Children. For example, Massachusetts has many local councils working collaboratively to design comprehensive early care and education programs that ensure that funds are used in ways that are consistent with local needs. Our programs also conduct many family support and family literacy activities such as those described in your plan. Through our

experience with Community Partnerships, we know that these elements as well as transportation and professional development are essential to helping early childhood programs achieve their potential to support young children and families.

With the in mind, I would like to express one concern. As is, the program is created within Health and Human Services and is "entirely independent of ESEA." Historically, child care has been administered through human services agencies and it is likely that the program would be passed on through the states' social services infrastructure. At the same time, many of the program's purposes are based on the potential of early childhood programs as educational for children and parents. Based on many years of watching how our local collaborations evolve, it is clear that state and local linkages among Head Start, private child care and public preschools and elementary schools are becoming increasingly important, but are not easy. I believe the separation from ESEA at the national and state levels would not encourage these linkages. Although the program should support the growth and improvement of private child care and Head Start programs, a close connection with ESEA at the national and state levels would model the educational intention of the program and would build on existing Title I preschool programs at the local level.

To reiterate—the plan that has been proposed is very promising and I strongly support this amendment.

Sincerely,

DAVID H. DRISCOLL,  
Commissioner of Education.

MAY 4, 2000.

DEAR SENATOR: I am writing to urge you to support the Early Learning Opportunities Act, sponsored by Senators Kennedy, Stevens, Jeffords and Dodd, as an amendment to the Elementary and Secondary Education Act. This Early Learning Amendment would help states to create and enhance the programs and services that infants and toddlers, and their parents, urgently need to ensure that young children will enter school ready to learn.

As you know, research clearly shows that the first few years of a child's life set the stage for a lifetime of learning. Time and again we see that healthy children who have formed secured and loving attachments to adults grow up to be hard working, productive members of society. But children cannot develop in a healthy manner without access to early learning programs, quality child care and health care, and special services for children and families at risk. Furthermore, a recent report issued by Fight Crime: Invest in Kids concludes that federal, state, and local governments could greatly reduce crime and violence by assuring families access to quality, educational child care program.

Equally important is parent education. All parents, but especially those in at-risk populations, need to know not only how to effectively bond with their young children, but how to access programs and services that help them to raise a healthy child.

The Early Learning Amendment is an important step toward improving the lives of America's youngest citizens. Not only does it provide and vital funding for early childhood programs and services, it gives states and localities the flexibility to creatively meet the needs of their populations.

Again, I urge you to support America's youngest children and their families by voting for the Early Learning Amendment.

Sincerely,

ROB REINER.

PARENTS UNITED FOR CHILD CARE,

Boston, MA, May 8, 2000.

DEAR SENATOR: On behalf of the membership of Parents United for Child Care (PUCC), I am writing to urge you to support the Early Learning Opportunities Act sponsored by Senators STEVENS, KENNEDY, JEFFORDS and DODD. This amendment would take important steps to ensuring the availability of high quality early care and education experiences for millions of American families.

PUCC is a grassroots membership organization of low- and moderate-income parents committed to increasing the supply of quality, affordable child care in Massachusetts. A small group of Boston parents founded PUCC in 1987 with the mission of creating and mobilizing a vocal constituency of parents to impact child care policy in their communities and on the state level. Since its founding PUCC has been working in neighborhoods through Massachusetts to provide a parent voice on public policy issues related to children families. A local and national model of successful parent empowerment and leadership, PUCC employs cutting edge organizing and leadership development strategies to provide parents with the necessary tools to take the lead in advocating for their own child care needs.

As you know, recent research about the impact of the first three years of life on children's brain development testifies to the importance of a high-quality early care and education experience, especially for children who are growing up in poverty. In addition, policy makers—at the state and national level—are increasingly acknowledging the importance of child care an essential tool for building the economic stability of working families. Finally, the implementation of Education Reform across the country has focused a spotlight on the importance of quality early learning opportunities in preparing children for school. Unfortunately, too many parents do not have access to the type of high quality early care services that will allow them to go to work and help their children to learn, play and thrive.

By supporting the Early Learning Amendment, you can make children and families a priority and help parents, providers and educators promote healthy physical and emotional development for our children. Please do not hesitate contact me for further information about Parents United for Child Care. Thank you in advance for your consideration of this request.

Sincerely yours,

ELAINE FERSH,  
Director.

NATIONAL WOMEN'S LAW CENTER,  
Washington, DC, May 8, 2000.

Hon. EDWARD M. KENNEDY,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR KENNEDY: We are writing to express our support for your Early Learning Amendment to be offered to the Elementary and Secondary Education Act.

Research on early brain development and school readiness demonstrates that the experiences children have and the attachments they form in the earliest years of life have a decisive, long-lasting impact on their later development and learning. Yet, despite the importance of early childhood learning, scarce resources limit the early childhood learning opportunities of many children. Your Early Learning Opportunities Amendment would provide grants to states and communities to help ensure that significantly more children across the country have positive early learning experiences. The added resources that your amendment offers will allow communities to improve and expand quality early childhood programs, and

assist parents and early childhood providers meet the diverse developmental needs of young children.

We appreciate your efforts to increase the availability and quality of early childhood learning for children, and look forward to working with you on this critical issue.

Sincerely yours,

NANCY DUFF CAMPBELL,  
*Co-President.*

JUDITH C. APPELBAUM,  
*Vice President and Director of  
Employment Opportunities.*

NATIONAL BLACK CHILD  
DEVELOPMENT INSTITUTE, INC.,  
*Washington, DC, May 4, 2000.*

DEAR SENATOR: I am writing to urge your support for the Stevens-Kennedy-Jeffords-Dodd Early Learning Amendment to ESEA.

Early care and education have been a leading tenet of the National Black Child Development Institute since its inception thirty years ago. Then, as now, we hold that there is no more effective way to prepare children to succeed in school and break the cycle of poverty than quality, accessible early care and education. Recent studies have shown that quality early education also reduces the likelihood that a child will later be involved in the juvenile justice system.

Despite its proven track record, Head Start is unable to serve all the eligible children. Less than 1 in 10 children eligible for the Child Development Block Grant are currently served. While Head Start has a comprehensive program with education and parental involvement, the programs funded under CCDBG could be greatly enhanced with community-based collaborations around parent training and developmentally appropriate learning programs.

The Early Learning Amendment provides support for communities to improve the quality of child care programs; to provide parent education and training independent of a child care setting; to provide training and professional development for providers of early care and education.

These are important goals that will improve the quality of life for our children and their communities for generations. When we strength a child, we shape the future of our nation.

I urge your support for the Early Learning Amendment to ESEA.

Sincerely,

ANDREA YOUNG,  
*Director of Public Policy.*

CHILD CARE RESOURCE CENTER, INC.,  
*Cambridge, MA, May 4, 2000.*

DEAR SENATORS: The Child Care Resource Center (CCRC) in Cambridge, MA, is one of 13 child care resource and referral agencies across the state of Massachusetts. Agencies like CCRC strive to strengthen the field of child care in four ways: 1) we work with child care providers to increase the quality of child care, 2) we work with parents to provide consumer education, information and referrals to local child care programs, 3) we work with low-income families to ensure that they have access to quality affordable care and 4) work with communities to utilize child care demand and supply data for community planning purposes.

Working for a child care resource and referral agency provides a unique perspective on the child care system as a whole because we have the opportunity to work and interact with all aspects of this system, including the administration, the child care industry and families of all incomes who are struggling to make ends meet and find a safe nurturing environment for their child. From this vantagepoint, we see first hand what is and is not working with our system and

where there are gaps in the services that are offered.

Based on this knowledge and experience, I am writing today in support of the Stevens-Kennedy-Jeffords-Dodd "Early Learning Opportunities" amendment to ESEA. Recent research has highlighted the importance of providing adequate stimulation to children between the ages of 0 and 5 in order to ensure the optimal physical and emotional development of a young child's brain. This development can not be recaptured during later years. Brain synapses that are not developed are lost forever.

The Early Learning amendment is an important step towards ensuring the availability of high-quality educational child development programs to both child care providers and to parents, two equally important components of the lives of our children. As a country, we need to make a stronger investment into supporting the healthy development of our youngest resources. Children do not begin the learning process at the age of five when they enter kindergarten. We must lay the groundwork earlier to ensure that children not only develop appropriately, but more importantly, thrive.

If you need any information or other materials to help you in this important debate, please do not hesitate to contact me at (617) 547-1063 ext 217 or CCRC's Public Policy Manager Jennifer Murphy at (617) 547-1063 ext 234.

Sincerely,

MARTA T. ROSA,  
*Executive Director.*

FIGHT CRIME: INVEST IN KIDS,  
*Washington, DC, May 3, 2000.*

DEAR SENATOR: As an organization led by over 700 police chiefs, sheriffs, prosecutors, leaders of police organizations, and crime survivors, we write in strong support of the Stevens-Kennedy-Jeffords-Dodd "Early Learning Opportunities" amendment to ESEA.

The evidence is clear that well-designed early learning programs for kids can dramatically reduce crime and violence, and keep kids from becoming criminals. But these programs remain so under-funded they reach only a fraction of the youngsters who need them. For example:

A High/Scope Foundation study at the Perry Preschool in Michigan randomly chose half of a group of at-risk toddlers to receive a quality Head Start-style preschool program, supplemented by weekly in-home coaching for parents. Twenty-two years later, the toddlers left out of the program were five times more likely to have grown up to be chronic lawbreakers, with five or more arrests.

A new study of 1,000 at-risk children who attended the Chicago Child Parent Centers found that the children of a similar background who were left out of the program were almost twice as likely to have two or more juvenile arrests.

Yet inadequate funding for these high quality child development programs like these leaves millions of at-risk children without critical early childhood services. Making sure all children have access to educational childcare is one of the four points of our School and Youth Violence Prevention Plan, the key components of which have been endorsed not only by each of Fight Crime's 700 law enforcement leaders and victims of violence but also by the National Sheriffs Association; the Major Cities [Police] Chiefs Organizations; the Police Executive Research Forum; the National District Attorneys Association—and dozens of state law enforcement associations.

The Early Learning amendment is an important step towards ensuring the avail-

ability of high-quality educational child development programs. Those on the front lines of the battle against crime know these investments are among our most powerful weapons against crime.

For more information on the studies mentioned above, please see our new report America's Child Care Crisis: A Crime Prevention Tragedy co-authored by Dr. Berry Brazelton, Edward Zigler, Lawrence Sherman, William Bratton, Jerry Sanders and other child development and crime prevention experts. The report is available on our website, <http://www.fightcrime.org>.

Sincerely,

SANFORD NEWMAN,  
*President.*

UNITED WAY OF AMERICA,  
*Alexandria, VA, May 3, 2000.*

Hon. EDWARD M. KENNEDY,  
*U.S. Senate,  
Washington, DC.*

DEAR SENATOR KENNEDY: On behalf of 1,400 United Ways across the country, United Way of America (UWA) urges you to support the Early Learning Amendment to the Elementary and Secondary Education Act (ESEA) sponsored by Senators Stevens, Kennedy, Jeffords, and Dodd. The amendment allots \$6.25 billion over five years to create a new program within the Department of Health and Human Services (HHS) that will improve opportunities for early learning and school readiness among young children from birth through age six.

For the past ten years, United Ways have been committed to early care and education through Success By 6®, an initiative that convenes local leadership (corporate, government and nonprofit) to leverage resources, raise awareness and impact policy on behalf of our youngest citizens. In over 300 communities, Success By 6® helps ensure a safe and nurturing environment for our children. Early childhood development is critical to an effective future workforce. Recent brain research has confirmed that investing early has lifetime benefits and positive implications for a child's success. The early learning amendment will allow local communities to take to scale existing early childhood initiatives and stimulate the creation of new ones.

An investment in early learning and development is a critical investment in our future. United Way of America hopes that the Senate will make a renewed commitment to America's children by supporting this amendment. If you need more information, please contact Ilsa Flanagan, Senior Director of Public Policy, at (703) 683-7817.

With appreciation,

BETTY BEENE.

MAY 2, 2000.

U.S. SENATE,  
*Washington, DC.*

DEAR SENATOR: We urge you to support the following amendments to S. 2, the Elementary and Secondary Education Act reauthorization that is currently being debated by the full Senate, to help ensure that young children have the strong start they need and older children the positive and safe after-school experiences and the comprehensive supports they need to succeed in school.

Stevens/Jeffords/Kennedy/Dodd Early Learning Opportunities Amendment. This amendment would provide grants to states and communities to improve and expand high-quality early learning programs serving children ages zero to five years old. This amendment would offer local communities much needed funds to help both parents and early childhood providers meet the varying needs of young children. Research is clear that children, particularly disadvantaged

children, who have the opportunity to participate in high quality early childhood programs are more likely to succeed in school and in life.

Dodd Early Childhood Education Professional Development Amendment. This amendment would provide resources to local partnerships to provide professional development for early childhood educators with a focus on early literacy and violence prevention. Given the low salaries of child care providers across the country, providers must have access to resources from their communities in order to grow professionally and provide high quality care in their programs. It is exceedingly important to offer new opportunities to strengthen their ability to work with children. Gaining early literacy skills is essential to children's ability to start school ready to read. High quality early childhood programs have also demonstrated that they can be effective in reducing the violent behavior that can lead to delinquency.

Reed Child Opportunity Zone Family Centers Amendment. This amendment would provide resources to help schools coordinate with other local health and human services at or near the school site to support children's ability to come to school each day ready to learn. This will ensure that children have the health and other supports they need to be able to thrive and take full advantage of their education.

Dodd 21st Century Community Learning Centers Amendment. This amendment would strengthen the collaboration among schools and community-based organizations and bolster their ability to provide enriching and educational after-school and other community education programs.

These amendments would help provide critical support to both younger and older children and their families, helping to ensure that their school experience is a success. We urge you to support them.

Sincerely yours,

GERESH AND SARAH LEMBERG  
CHILDREN'S CENTER, INC.,  
Waltham, MA.

From: Howard Baker, Executive Director.

To: Stephanie Robinson and Rachel Price,  
Staff of Senator Kennedy.

Subject: Amendments to Early Learning  
Part of ESEA.

COMMENTS: Thank you for sending me a copy of your proposed amendments ESEA. I support your addressing special educational needs (Part V,B,5), increased hours of care (Part V,B,6), and increases in compensation and recruitment incentives (Part V,B,7). I am glad to see the wording "grants supplemental not supplant existing early learning resources" (Part VII, G). As for the Funding total of \$6.25 billion over 5 years, more is better.

Also, I spoke with Kimberly Barnes O'Connor, she said: "Bringing up rates and wages in the ESEA is the wrong place. These are issues for the Child Care and Development Block Grant." Is this your position as well? Thanks.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Massachusetts for his kind comments. I want to echo what he has said. Senator JEFFORDS has been a great leader in this area. As a matter of fact, he sort of encouraged me to get involved. I am happy to have been able to get involved. I told him it should have been the Jeffords-Stevens amendment. In his typical Vermont

reticence—he is a Yankee as far as I am concerned—he said, no, that I should put in the amendment and be the sponsor. I am proud to do that. But the real voice of reason in this amendment has been Senator JEFFORDS.

I am pleased to yield to him, and I thank him for his cooperation.

Mr. JEFFORDS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I have an engagement pending, so I will proceed now. I would love to be able to stay and listen to my friends.

I certainly thank the Senator from Alaska for his very fine words. He has been an inspiration to all of us in bringing this forward. Without his help and support, I am not so sure that we would be here today. I appreciate his efforts in making sure that our amendment be heard in a timely manner.

Mr. STEVENS. Mr. President, if the Senator will yield, the lady who is responsible for the cooperation is sitting to my right, our deputy chief of staff. She started on the mommy track about a year ago and taught me all I know. So thank you very much.

Mr. JEFFORDS. I thank the Senator very much. Mr. President, I am very happy to join a strong bi-partisan group of my colleagues in introducing the "Early Learning Opportunities Act" amendment. The twenty-eight cosponsors of the amendment are: Senators STEVENS, KENNEDY, JEFFORDS, DODD, DOMENICI, BOND, KERRY, VOINOVICH, LAUTENBERG, MURRAY, COCHRAN, BINGAMAN, SMITH of Oregon, DURBIN, CHAFEE, BAUCUS, MURKOWSKI, ROBB, ROCKEFELLER, ROBERTS, WELLSTONE, FEINSTEIN, MIKULSKI, SNOWE, BOXER, KERREY, SPECTER, and WARNER.

In 1989, President Bush met with Governors from across the nation and identified a set of educational goals for our nation's children. The first national educational goal was that "By the year 2000, all children in America will start school ready to learn." We have unfortunately failed to meet that critical goal.

Early childhood learning plays a key role in a child's future achievement and is the cornerstone of education reform. I am absolutely convinced that we must invest in early childhood learning programs if we are to have every child enter school ready to learn and succeed.

We know that from birth, the human brain is making the connections that are vital to future learning. We know that what we do as parents, care providers, educators, and as a society can either help or hurt a child's ability to gain the skills necessary for success in school—and in life.

Many of America's children enter school without the necessary abilities and maturity. Without successful remediation efforts, these children continue to lag behind for their entire academic career. We spend billions of dollars on efforts to help these children

catch up. As we demand that students and schools meet higher academic standards, these efforts become much harder. An investment in early learning today will save money tomorrow. Research has demonstrated that for each dollar invested in quality early learning programs, the Federal Government can save over five dollars—spend one, save five.

These savings result from future reductions in the number of children and families who participate in Federal Government programs like Title I special education and welfare.

This amendment is designed to help parents and care givers integrate early childhood learning into the daily lives of their children.

Parents are the most important teachers of their children. If parents are actively engaged in their child's early learning, their children will see greater cognitive and non-cognitive benefits.

Parents want their children to grow up happy and healthy. But few are fully prepared for the demands of parenthood. Many parents have difficulty finding the information and support they need to help their children grow to their full potential. Making that information and support available and accessible to parents is a key component of this amendment.

For many families, it is not possible for a parent to remain home to care for their children. Their employment is not a choice, but an essential part of their family's economic survival.

And for most of these families, child care is not an option, but a requirement, as parents struggle to meet the competing demands of work and family.

Just as it is essential that we provide parents with the tools they need to help their children grow and develop, we also must help the people who care for our nation's children while parents are at work.

Today, more than 13 million young children—including half of all infants—spend at least part of their day being cared for by someone other than their parents.

In Vermont alone, there are about 22,000 children, under the age of six, in state-regulated child care.

This amendment will provide communities with the resources necessary to improve the quality of child care. Funds can be used for professional development, staff retention and recruitment incentives, and improved compensation. By improving local collaboration and coordination, child care providers—as well as parents—will be able to access more services, activities and programs for children in their care.

Our "Early Learning Opportunities" amendment will serve as a catalyst to engage all sectors of the community in increasing programs, services, and activities that promote the healthy development of our youngest citizens. The amendment ensures that funds will be locally controlled.

Funds are channeled through the states to local councils. The councils are charged with assessing the early learning needs of the community, and distributing the funds to a broad variety of local resources to meet those needs.

Local councils must work with schools in the community to identify the abilities which need to be mastered before children enter school. Funds must be used for programs, activities and services which represent developmentally appropriate steps towards acquiring those abilities.

This amendment will expand community resources, improve program collaboration, and engage our citizens in creating solutions. It will help parents and care givers who are looking for better ways to include positive learning experiences into the daily lives of our youngest children.

When children enter school ready to learn, all of the advantages of their school experiences are opened to them—their opportunities are unlimited.

I urge all my colleagues to vote for the "Early Learning Opportunities Act" amendment.

I urge you to give our nation's children every opportunity to succeed in school and in life.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Chair.

Mr. President, I rise today to lend my support to a critical component of our efforts to reform the public education system and ensure that all children can learn to high standards: a collaborative approach to increasing the availability of high-quality early learning initiatives for young children. The amendment before us today recognizes the importance that the early years of a child's life play in his or her future learning and development. This amendment acknowledges what we know to be true: children who begin school lacking the ability to recognize letters, numbers, and shapes quickly fall behind their peers. Students who reach the first grade without having had the opportunity to develop cognitive or language comprehension skills begin school at a disadvantage. Children who have not had the chance to develop social and emotional skills do not begin school ready to learn. Mr. President, we have the opportunity here today in this bipartisan amendment to see to it that all of our young children have access to high-quality early learning initiatives and that all of our children begin school ready to learn.

The beauty of the approach that I am advocating for here today, is that it builds upon existing early learning and child care programs in each and every community in this country. Mr. President, this early learning amendment would provide support to families by minimizing government bureaucracy

and maximizing local initiatives. This amendment would support the creation of local councils that will provide funding to communities to expand the thousands of successful early care and education efforts that already exist. It will establish an early learning infrastructure at the local level. This infrastructure will establish the necessary linkages between private, public, and non-profit organizations that seek to provide a healthy, safe, and supportive start in learning and in life for children of pre-school age. Mr. President, this amendment provides the Senate with a critically important bipartisan opportunity to support early learning collaboratives at the state level, in towns, in cities, and in communities throughout this country.

I can attest to the success and importance of this collaborative approach, because I have seen it work. I was so convinced by what I saw in Allegheny County, Pennsylvania, Mr. President, that I introduced legislation in the 105th and the 106th Congresses that is very similar to the amendment before us today. Let me tell you about the Early Childhood Initiative (ECI) in Allegheny County, Pennsylvania—an innovative program which helps low-income children from birth to age five become successful, productive adults by enrolling them in high quality, neighborhood-based early care and education programs, ranging from Head Start, center-based child care, home-based child care, and school readiness programs. ECI draws on everything that's right about Allegheny County—the strength of its communities—neighborhood decision-making, parent involvement, and quality measurement. Parents and community groups decide if they want to participate and they come together and develop a proposal tailored for the community. Regular review programs ensure quality programming and cost-effectiveness. We're talking about local control getting results locally: 19,000 pre-school aged children from low-income families, 10,000 of which were not enrolled in any childcare or education program. Evaluations have shown that enrolled children are achieving at rates equivalent to their middle income peers. And as we know, without this leveling of the playing field, low-income children are at a greater risk of encountering the juvenile justice system.

In the United States, child care, early learning, and school-age care result from partnerships among the public sector—federal state, and local governments; the private sector—businesses and charitable organizations; and parents. Both the public and the private sectors help children get a strong start in life by supporting and providing child care, by enhancing early learning opportunities, and by supplying school-age care. Attention to early childhood development by so many organizations and levels of government is important and appropriate. But oftentimes, early care and edu-

cation is a hodgepodge of public and private programs, child-care centers, family day-care homes, and preschools and ironically the widespread concern for the provision and quality of such programs has led to what some experts in this field have called a non-system.

I'd like to tell you about one of the most ground-breaking studies in the effectiveness of early learning programs, called the Abecedarian Project, that is taking place at the University of North Carolina Chapel Hill. This highly-regarded study has found that low-income children who received comprehensive, quality early educational intervention had higher scores on cognitive, reading, math tests than a comparison group of children who did not receive the intervention. These effects persisted through age 21. The study also found that young people who had participated in the early education program were more likely to attend a four-year college and to delay parenthood. And the positive impact of the early learning program was not just limited to the children, Mr. President. Mothers whose children participated in the program achieved higher educational and employment status as well, with particularly strong results for teen mothers.

Community collaboration allows a vast array of people to assess what support children and families need, what resources are available in their own community, and what new resources are necessary. Collaboration is a way to meet the needs of parents who work full time. For example, children who attend a state-financed half-day preschool program in a child-care center are able to remain in the center after the formal preschool program has ended until a parent finishes working when linkages between disparate programs are made. This sort of continuity can eliminate transportation problems that often plague working families and stressful transitions for parents and children.

Child care and early learning are necessities for millions of American families. Children of all income levels are cared for by someone other than their parents. Each day, an estimated 13 million children under age six—including children with mothers who work outside the home and those with mothers who do not—spend some or all of their day being cared for by someone other than their parents. Many of these children enter non-parental care by 11 weeks of age, and often stay in some form of child care until they enter school.

I commend my esteemed colleagues, Senator STEVENS, Senator JEFFORDS, Senator BOND, Senator DODD, and the senior Senator from Massachusetts, Senator KENNEDY, who, as you all know, is a true leader in this area, for working so diligently on this amendment. And I'm pleased to have the opportunity to be here on the floor to discuss this bipartisan legislation. Indeed, supporting states and local early learning collaboratives is not a partisan

issue. In fact, Mr. President, the legislation that I introduced in the 105th and 106th Congresses, the Early Childhood Development Act, would support a collaborative approach and sustain an early learning infrastructure. My legislation has been supported by Senators on both sides of the aisle. I commend my colleagues—Senator BOND, Senator GORDON SMITH, Senator SNOWE, Senator COLLINS, and the late Senator CHAFEE, for supporting this important, non-partisan educational priority and approach to improving early learning opportunities for all children. And I particularly commend the bipartisan group of leaders on this amendment.

Early childhood programs are cost effective and can result in significant savings in both the short- and the long-term. For example, the HighScope Foundation's Perry Preschool Study examined the long-term impact of a good early childhood program for low-income children. Researches found that after 27 years, each \$1.00 invested in the program saved over \$7.00 by increasing the likelihood that children would be literate, employed, and enrolled in postsecondary education, and making them less likely to be school dropouts, dependent on welfare, or arrested for criminal activity or delinquency. A study of the short-term impact of a pre-kindergarten program in Colorado found that it resulted in cost savings of \$4.7 million over just three years in reduced special education costs.

Child care and early learning are particularly important for low-income children and children with other risk factors. Good early care and education programs help children enter school ready to succeed in a number of ways, and have a particularly strong impact on low-income children who are at greater risk for school failure. Mr. President, reading difficulties in young children can be prevented if children arrive in the first grade with strong language and cognitive skills and the motivation to learn to read, which are needed to benefit from classroom instruction.

Law enforcement has attested to the importance of early learning programs. A poll of police chiefs from across the country found that nearly none out of ten (86 percent) said that "expanding after-school and child care programs like Head Start will greatly reduce youth crime and violence." Nine out of ten also agreed that a failure to invest in such programs to help children and youth now would result in greater expenses later in crime, welfare, and other costs. Police chiefs ranked providing "more after-school programs and educational child care" as the most effective strategy for reducing youth violence four times as often as "prosecuting more juveniles as adults" and five times as often as "hiring more police officers to investigate juvenile crime."

I urge my colleagues to think about what is at stake here. Poverty seri-

ously impairs young children's language development, math skills, IQ scores, and their later school completion. Poor young children also are at heightened risk of infant mortality, anemia, and stunted growth. Of the millions of children under the age of three in the U.S. today, 25 percent live in poverty. Three out of five mothers with children under three work, but one study found that 40 percent of the facilities at child care centers serving infants provided care of such poor quality as to actually jeopardize children's health, safety, or development. Literally the future of millions of young people is at stake here. Literally that's what we're talking about. But is it reflected in the investments we make here in the Senate? I would, respectfully, say no—not nearly enough, Mr. President. But today, during this debate on the Elementary and Secondary Education Act, we have a genuine opportunity to make a meaningful difference and contribution to the lives of poor children in this country.

I'd also like to discuss the results of a study conducted by the National Institute of Child Health and Human Development. This study has been following a group of children to compare the development of children in high quality child care with that of children in lower quality child care. Researchers have thus far tracked the children's progress from age three through the second grade. At the end of this most recent study period, children in high quality child care demonstrated greater mathematics ability, greater thinking and attention skills, and fewer behavioral problems. These differences held true for children from a range of family backgrounds, with particularly significant effects for children at risk.

Let me explain why this legislation is so fundamentally important and why it is clear we are not doing enough to ensure that our youngest children are exposed to meaningful learning opportunities:

A study in Massachusetts found that the supply of child care in communities with large numbers of welfare recipients was much lower than in higher-income communities. The 10 percent of zip code areas with the greatest share of welfare recipients had just 8.3 preschools operating per 1,000 children ages 3 to 5. This was one-third lower than in high-income communities.

Four out of five children already know what it means to be in the full-time care of someone other than one of their parents.

A study by the U.S. Department of Education found that public schools in low income communities were far less likely to offer pre-kindergarten programs (16 percent) than were schools in more affluent areas (33 percent).

Kindergarten teachers estimate that one in three children enters the classroom unprepared to meet the challenges of school.

Only 42 percent of low-income children between the ages of 3 and 5 are in

pre-kindergarten programs compared with 65 percent of higher income children.

Our country has struggled, and this body has struggled, with ways to improve the lives of young, poor children in this country. The debate we are engaged in today centers around how to more effectively educate disadvantaged children, how to hold schools, administrators, and teachers accountable for providing a high-quality education, and ensuring that all children are given the opportunities to learn. Mr. President, early learning is a critical element of the fundamentally important goal of ensuring all children learn to high standards. We must go where the children are—in child care centers, in family-based care—and guarantee support of meaningful early learning services.

The intent of a collaborative approach to early education and child care is to create a system that supports children's development and is also responsive to the needs of working parents. We need to take action in order to make a difference in the lives of our children before they're put at risk, and this bipartisan approach is certainly a step in the right direction, I believe a step the Senate must take. We need to accept the truth, Mr. President, that we can do a lot more to help our kids grow up healthy with promising futures in an early childhood development center, in a classroom, and in a doctor's office than we can in a courtroom or in a jail cell.

I urge my colleagues to support this amendment.

I thank my colleague, the senior Senator from Massachusetts, for his extraordinary leadership in this arena, as well as in the entire area of education.

I think my colleagues will agree that there is no more forceful, eloquent, or committed voice on the subject of children and of education in the country. I am grateful for his leadership on their particular issue.

I also join in thanking the Senator from Alaska for his passionate and very firsthand commitment to this subject. He comes to this from a place of real understanding. And I hope his colleagues on his side of the aisle will recognize that this is not partisan. This is something that has the capacity to bring both sides together to the advantage of the children of America.

I also thank my colleague, Senator BOND, who joined me several years ago in what was then a ground-breaking effort in the Senate to try to recognize the capacity of collaboratives in the local communities to be able to pick up much of this burden. For a long time, we spent an awful lot of energy in the Senate reinventing the wheel. I think what we did was try to say how we solve the problem without necessarily creating a new Federal bureaucracy and without creating additional administrative overhead. How do we play to the strengths of our mayors, of our local charitable organizations, which do such an extraordinary job, and



which in so many cases are simply overburdened by the demand?

I think there is not one Member who is not aware of a Boys Club, Girls Club, YMCA, YWCA, Big Brother-Big Sister, or any number of faith-based entities, whether the Jewish community centers, the Catholic charities, the Baptist Outreach—there are dozens upon dozens of efforts—that successfully intervene in the lives of at-risk or troubled young people and who succeed in turning those lives around.

This should not be categorized as a government program with all of the pejoratives that go with the concept of government program. This is, in effect, the leveraging of those efforts at the local level that already work. The best guarantee that comes out of this amendment is that it appeals to the capacity of the local communities to choose which entities work and which entities don't. There is none of the rhetoric that somehow attacks so easily the notions that seek to do good and changes lives of people for the better, none of that rhetoric that suggests that Washington is dictating this or there is a new bureaucracy, or this is the long reach of the government at the Federal level trying to tell the local level what to do. None of that applies here.

This is a grant to local collaboratives with the Governors' input and the input of those local charitable entities. They know best what is working; they know best where that money can have the greatest return on the investment. They will, therefore, decide what to do.

Let me address for a quick moment the common sense of this. Senator STEVENS talked about the science and brain development. Indeed, we have learned a great deal about brain development. In fact, we are learning even more each day.

Just this year, new evidence about brain development has been made public which suggests that not only is the early childhood period so critical for a particular kind of discipline, but we are now capable of learning about the brain's functioning at different stages of development through to the point of adulthood. A child in their early teens, for instance, may be particularly susceptible to language input and at a later stage of life to more analytical skills; at the earlier stage of life much more subject to the early socialization skills and the early recognition, cognitive skills such as recognizing shapes, forms, numbers.

The problem in America is—every single one of us knows this—certain communities don't have the tax base, don't have the income, and we will find parents have a greater struggle to provide for a safe, nonchaotic atmosphere within which their children can be brought up. Find a place where children get the proper kind of early input and it makes a difference in their capacity to go to school ready to learn. In an affluent community, almost by 2 to 1 we find many more children are in

safe, competent, early childhood environments where they are well prepared to go to school.

The consequences of not preparing a child to go to school at the earliest stage ought to be obvious to everybody, but they are not. I have heard from countless first grade schoolteachers who tell me in a class of 25 to 30 kids, they might have 5 to 10 kids who do not have the early cognitive skills their peers have, so the teacher is then reduced in their capacity to be able to provide the accelerated effort to the rest of the class because they are spending so much time trying to help people catch up. Moreover, it takes longer for the children to catch up.

There are a host of other disadvantages that come with the lack of that early childhood education that often play out later in life, sometimes in very dramatic ways, when they get in trouble with the law, when they become violent, and when we spend countless billions of dollars, literally billions of dollars, trying to remediate things that could have been avoided altogether in the first place.

That is what this is all about. This is common sense. There are two former Governors who will speak on this. I know what the Senator from Ohio did because I followed what he did when he was a Governor. We used some of what he did, as well as some of what was done by Governor Hunt in North Carolina, as models for possibilities. There are Governors all across this country who currently support wonderful, homegrown, locally initiated, locally based efforts that save lives and change lives on an ongoing basis.

We need to augment the capacity of all of those entities to reach all of the children of America. If we did that, we could provide a tax cut in the end to the American people. For the dollar invested at the earliest stage, there is a back-end savings of anywhere from \$6 to \$7 per child, and sometimes much greater percentages in terms of the costs of the social structure that we put in place to either mitigate, and sometimes simply to isolate, people from society as a consequence of those early deprivations.

This is not "goo-goo" social work. This is not do-goodism. It doesn't fit into any kind of ideological label. This is something that has worked all across the country.

I close by pointing to one very successful initiative that I visited several years ago which became part of the basis of the collaboration in which Senator BOND and I engaged.

In Allegheny County, PA, there is a thing called the Early Childhood Initiative. This program helps low-income children from birth to age 5 to become successful, productive adults by enrolling them in high-quality, neighborhood-based early care and education programs ranging from Head Start to center-based child care, to home-based child care, to school readiness pro-

grams. It draws on all of the corporate community. The corporate community matches funds. The corporations become involved with the charitable entities. The public sector becomes involved. They join together to guarantee there are regular review programs ensuring quality programming and cost effectiveness.

We are now talking about 19,000 preschool age children from low-income families, 10,000 of which were not enrolled in any children's care or education program prior to the childhood education initiative being put in place.

May I add, this has been done to date with a small amalgamation of Federal money, principally with corporate and local match and State money.

This can be done. For a minimal amount of Federal dollars, you can leverage an extraordinary outpouring of local match, of corporate private sector involvement, all of which builds communities, all of which in the end would make this country stronger and significantly augment the capacity of our teachers, who are increasingly overburdened, to be able to teach our children adequately.

I really hope this will be one amendment that does not fall victim to partisanship or to predisposition. I think we ought to be able to come to common agreement and common ground on this. I really commend it to my colleagues on that basis.

I thank my colleagues for their forbearance.

Mr. DODD. Mr. President, I am pleased to join my colleagues, Senators STEVENS, KENNEDY and JEFFORDS and others in support of this amendment.

As we enter the new millenium, we have before us a unique opportunity to enact legislation that will give every child the chance for the right start in life.

Recent research on the brain has clearly demonstrated that the years from birth to school enrollment are a hotbed of neurological activity—an unparalleled opportunity for children to acquire the foundation for learning.

While this seems to be common sense—and something that parents have always know intuitively—in fact, it is only recently that parents' intuition has been backed by evidence.

Until only 15 years ago, scientists still assumed that at birth a baby's potential for learning was pretty firmly in place. We now know that to be untrue.

Now we know that just in the first few months of life, the connections between neurons, or synapses, in a child's brain will increase 20-fold, to more than 1,000 trillion—more than all the stars in the Milky Way.

In those months and years, the brain's circuitry is wired. With attention and stimulation from parents and other caregivers, we begin to see the permanent pathways for learning and caring forming in a child's brain.

The downside to the plasticity of the brain is that it can be as easily shaped

by negative experiences as positive experiences. Fear and neglect are just as readily wired into the brain as caring and learning.

Scientists have also found that the brain's flexibility in those early years is not absolute. Some skills can only be acquired during defined windows of opportunity. Abilities, like sight and speech, that are not wired into place within a certain critical period may be unattainable—a "use it or lose it" phenomenon.

We see this phenomenon played out in the classroom. Kindergarten teachers across the country tell us that as many as one in three children begins the first day of school unprepared to learn. Because they have never been read to, basic literacy skills have not taken hold. Because they were never screened for health problems, they have undiagnosed hearing or vision impairments.

If we accept the science of brain development, it's clear that is where our investments should be.

The data is in and the facts are undisputable:

The experiences a child has in the years from birth to age 6 set the stage for that child's later academic success.

Investing in early learning saves us money in the long run.

It is very simple—if children enter kindergarten and first grade unprepared, they may never catch up. As a society, we pay dearly for that lack of readiness. We pay in the lost potential of that child. We pay in terms of higher special education costs. And we pay in terms of increased juvenile justice costs.

There is no more fitting place for this amendment to be considered than here as part of the Elementary and Secondary Education Act—a very appropriate place to formally recognize the fact that learning starts at birth.

This amendment has two main objectives: To provide parents and others who care for children with the skills and resources to support children's development and to engage communities in providing early learning opportunities for all children.

Because parents are children's first and best teachers, this legislation would support their efforts to create healthy and stimulating environments for their children.

But, knowing that more than 60 percent of children younger than age six—regardless of whether their mothers work—are in some form of non-parental care, this legislation would also support the efforts of child care centers and home-based child care providers to offer positive early learning experiences.

Importantly, the delivery system for all of these investments is the community. Under this legislation, local councils of parents, teachers and child care providers will assess the community's needs and determine how to allocate resources.

In addition to using funds to support parents and other caregivers, funds could be used:

To increase access to existing programs by expanding the days or times that children are served or by making services available to children in low-income families.

To enhance early childhood literacy.

To link early learning providers to one another and to health services.

To improve quality of existing early learning programs through recruitment, retention, and professional development incentives, and

To increase early learning opportunities for children with special needs.

If this model sounds familiar to you, it should. The strategy of investing in early learning has been embraced in some form by over 42 governors.

In the laboratory of the states, governors, business leaders, parents, and kindergarten teachers have decided that they are convinced enough by the science and the facts to forge ahead.

In Connecticut, we are entering our third year of a wildly popular school readiness initiative. As a result of this initiative, 41 cities and towns are now providing high quality preschool experiences to over 6,000 children.

The results of this initiative in terms of improvements in school readiness and reductions in special education costs have been so significant that the Governor and legislature have almost doubled funding in three years to \$72 million.

Interestingly, perhaps the strongest backer of this initiative has been the business community. The people who like to crunch numbers, to see things in terms of costs and benefits looked at the facts and decided that early learning was a wise investment. That says a lot.

States are doing their part. Many businesses are doing their part. The federal government must do its part.

As we enter the 21st century, let's get our priorities straight.

We cannot and should not let this opportunity to make a real difference in the lives of children and families across America pass us by.

Our children are priceless—we shouldn't "nickel and dime" them when it comes to providing the best possible start in life.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank Senator KERRY for the work he and I have done over the years on early childhood education. This amendment by Senators STEVENS and JEFFORDS and others builds on that because we know that early in a child's development is the best time to begin the process of assuring that child is well educated, well prepared—the very earliest stages in life. This amendment recognizes if we do everything possible for our Nation's children in their overall education, we should begin at the earliest years.

While most of the debate on this bill will be about elementary and secondary education—the years of what we might call formal schooling—the

education and mental development of a child begins long before that child enters kindergarten. In fact, the education and development of a child begins practically at birth and continues at an extremely rapid pace through the first several years of life.

This amendment recognizes this basic fact—that a child's education and mental development begins very early in life. Through this amendment, we are seeking to support families with the youngest children to find the early childhood education care programs that can help those families and parents provide the supportive, stimulating environment we all know their children need.

This amendment recognizes that if we want to do everything possible for our nation's children and their overall education, we need to focus on the earliest years as well as the years of formal schooling. We can do this—and this amendment proposes to do this—by supporting and expanding the successful early childhood programs and initiatives that are working right now on the local level. These programs help parents to stimulate and educate their young children in an effort to make sure every child enters kindergarten fully ready to learn.

I am pleased to say that this amendment is based on the basic ideas and principles I set forth in legislation that was first introduced several years ago with my good friend from Massachusetts, Senator KERRY.

Research shows that the first years of life are an absolutely crucial developmental period for each child with a significant bearing on future prospects. During this time, infant brain development occurs very rapidly, and the sensations and experiences of this time go a long way toward shaping that baby's mind in a way that has long-lasting effects on all aspects of the child's life.

And parents and family are really the key to this development. Early, positive interaction with parents, grandparents, aunts, uncle, and other adults plays a critical role.

Really we shouldn't be surprised that parents have known instinctively for generations some of these basic truths that science is just now figuring out. Most parents just know that babies need to be hugged, caressed, and spoken to.

Of course, the types of interaction that can most enhance a child's development change as the baby's body and mind grow. The best types of positive interaction—which are so instinctual to us for the youngest babies—may not be quite so obvious for two- and three-year-olds. Raising a child is perhaps the most important thing any of us will do, but it is also one of the most complicated.

And parents today also face a variety of stresses and problems that were unheard of a generation ago. In many families, both parents work. Whether

by choice or by necessity, many parents may not be able to read mountains of books and articles about parenting and child development to keep perfectly up-to-date on what types of experiences are most appropriate for their child at his or her particular stage of development. They also must try to find good child care and good environments where their children can be stimulated and educated while they work. Simply put, most parents can probably use a little help to figure out how best to help a child's mind and imagination to grow as much as possible.

Many communities across the country have developed successful early childhood development programs to meet these needs. Most of the programs work with parents to help them understand their child's development and to discuss ways to help further develop the little baby's potential. Others simply provide basic child care and an exciting learning environment for children of parents who both have to work.

In a report released in 1998, the prestigious RAND Corporation reviewed early childhood programs like these and found that they provide children, particularly high-risk children, with both short- and long-run benefits. These benefits include enhanced development of both the mind and the child's ability to interact with others. They include improvement in educational outcomes. And they include a long-term increase in self-sufficiency through finding jobs and staying off government programs and staying out of the criminal justice system.

Of course, it's no mystery to people from my home state of Missouri that this type of program can be successful. Missouri is the "Show Me" state, an we have been shown first-hand the benefit of a top-notice early childhood program. In Missouri, we are both proud and lucky to be the home of Parents as Teachers. This tremendous organization is an early childhood parent education program designed to empower the parents to give their young child the best possible start in life. It provides education for the parent on a volunteer basis. Over 150,000 Missouri families are participating in it, with 200,000 children benefiting from it. It combines visits by the parent/educator in the home to see the progress of the child. It provides ideas and information to the parent to stimulate that child's learning curiosity. It brings parents and children together in group sessions to discuss common problems.

This program has been shown, by independent tests, to improve significantly the learning capacity of children when they reach formal schooling years. In addition, it hooks the parents into their child's education for the future years. I personally, from my visits to over 100 of these sites around my State, can tell you it is clear to the teachers, to the administrators, to the school board members, children who have been in Parents as Teachers have

an excellent start and they are above and ahead of the other children who have not been so lucky.

This program is available through every school district in our State. I have talked to mothers coming off welfare who say it is the most important thing for their children. I have talked to farm families who are struggling to make a living off the farm, who say it is the best thing that can happen to their children. I have talked to economically successful suburban families; mom and dad both have good jobs, not enough time, but Parents as Teachers gives them the direction and the tools so they can be the best first teachers of their children.

That is why it is called Parents as Teachers.

With additional resources, programs such as Parents as Teachers could be expanded and enhanced to improve the opportunities for many more infants and young children. And we have found that all children can benefit from these programs. Economically successful, two-income families can benefit from early childhood programs just as much as a single-parent family with a mother seeking work opportunities.

This amendment will support families by building on local initiatives like Parents as Teachers that have already been proven successful in working with families as they raise their infants and toddlers. The bill will help improve and expand these successful programs, of which there are numerous other examples, such as programs sponsored by the United Way, Boys and Girls Clubs, as well as state initiatives such as "Success by Six" in Massachusetts and Vermont and the "Early Childhood Initiative" in Pennsylvania.

The amendment will provide Federal funds to states to begin or expand local initiatives to provide early childhood education, parent education, and family support. Best of all, we propose to do this with no Federal mandates, and few Federal guidelines.

Many of our society's problems, such as the high school dropout rate, drug and tobacco use, and juvenile crime can be traced in part to inadequate child care and early childhood development opportunities. Increasingly, research is showing us that a child's social and intellectual development as well as a child's likelihood to become involved in these types of difficulties is deeply rooted in the early interaction and nurturing a child receives in his or her early years.

Ultimately, it is important to remember that the likelihood of a child growing up in a healthy, nurturing environment is the primary responsibility of his or her parents and family. Government cannot and should not become a substitute for parents and families, but we can help them become stronger by equipping them with the resources to meet the everyday challenges of parenting.

I believe this amendment can accomplish this and dramatically improve

the life and education of millions of the youngest Americans.

I invite any of my colleagues, or anyone else who wants to know more about this program, to let me know because we have seen this program copied in other States, in other countries. It really can make a difference for children. I believe the support this amendment will provide for early childhood education is one of the best things we can do to assure the highest quality educational achievement for all of our children.

The screening for young children that goes along with it helps avoid problems and more than pays for the cost of the education programs. I believe this amendment, if we adopt it, can be a tremendous boost for children of all walks of life throughout our country.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I have been very impressed with the words of my colleagues, the two Senators from Massachusetts, the Senator from Alaska, the Senator from Vermont, and now the Senator from Missouri.

One of the things I decided on doing when I came to the Senate was to bring my passion for early childhood development to the Senate and to encourage my colleagues to give a much higher priority to children age prenatal to 3 than we have been giving in this country. Early childhood development, especially covering children age prenatal to 3, is fundamental if this Nation is to achieve the first of our eight national education goals, and that is, "all children in America will start school ready to learn."

There are great programs for children, such as Head Start, which Congress has supported for 35 years. I am proud that when I was Governor of Ohio, we increased spending for Head Start by 1,000 percent. So in our State today, every eligible child whose parent wants them in a Head Start Program has a slot for that child. Even though Head Start has made a tremendous impact on our children, we must recognize that the program is designed for 3- and 4-year-olds. The period in a child's life in which we have not invested enough in this country, and the period on which we need to start concentrating, is the period in a child's life from prenatal to age 3. It is the time in a child's life that has the most impact on their overall development.

Thanks to decades of research on brain chemistry, and through the utilization of sophisticated new technology, neuroscientists are now telling us that within the first 3 months in the womb, children start to develop the 100 billion neurons they will need as adults. By the time they reach the age of 3, children have all the necessary connections—what we call synapses—between brain cells that cause the brain to function properly.

What I am saying is almost frightening. If we do not create an appropriate environment for our children prenatal to age 3, they physically do not develop these synapses in their brains, and they are incapable of using what God has given them in the most efficient way possible.

In terms of priorities, the experiences that fill a child's first days, months, and years have a critical and decisive impact on the development of the brain and on the nature and extent of their adult capacities—in other words, who they are going to become. The window of opportunity can be impacted by things that are within our control.

We found, for example, children who lack proper nutrition, health care, and nurturing during their first years tend also to lack adequate social, motor, and language skills needed to perform well in school. That is why all young children, parents, and care givers of those children should have access to information and support services appropriate for promoting healthy early childhood development in the first years of life, including child care, early intervention services, parenting education, health care, and other child development services.

This new revelation requires that States streamline and coordinate healthy early childhood development systems. It also necessitates that the Federal Government reorder its education priorities to reflect the importance of a child's learning and growing experiences from prenatal to age 3.

This amendment responds to the obvious shortcomings of the Federal Government's partnership with State governments and encourages States to coordinate and galvanize all public and private assets on the State and local level.

The amendment authorizes the expenditure of some \$3.2 billion over the next 3 years to make grants available to our States, and subsequently to the counties, in order to provide or improve early learning services for young children.

I want to underscore, this is not a new entitlement. I want to emphasize, what we are trying to do is prioritize money we are already spending for education and put more of it into early development programs where it is going to make the biggest difference for our children.

In order to receive this money, it does one other thing I think is very important. In too many communities in the United States, local social service, public, and private agencies do not cooperate and combine their resources. They do not collaborate enough to deliver services to children in their community. This amendment will require that:

A State shall designate a lead State agency . . . to administer and monitor the grant and ensure State-level coordination of early learning programs.

For their part, localities must also follow guidelines to be eligible to re-

ceive funds. Again, from the bill, "a locality shall establish or designate a local council, which shall be composed of—representatives of local agencies directly affected by early learning programs; parents; other individuals concerned with early learning issues in the locality, such as individuals providing child care resource and referral services, early learning opportunities, child care, education and health services; and other key community leaders." This could also include faith-based community organizations.

We are saying that unless a State gets its act together and gets its agencies that deal with families and children into a lead state agency in order to coordinate activities, and unless local communities come together in collaboratives, the money will not flow to those collaboratives.

In a way, it is an inducement for local private-public agencies to get together to talk about how they can look at the early period in a child's life and make a difference and galvanize all the resources in the community.

It will help eliminate some of the turf problems throughout this country where agencies do their own thing without working with other agencies.

It will encourage agencies to understand they have a symbiotic relationship with each other, and by working together, they can make a difference on behalf of the children in their respective communities.

In Ohio, we established the Ohio Family and Children First Initiative which was driven by locally based providers and not bureaucrats. The initiative developed a plan to meet the health, education, and social service needs of disadvantaged children and families and develop an action plan to meet those needs by eliminating barriers, coordinating programs, and targeting dollars.

We started out in Ohio with only 9 programs in 13 of our 88 counties. We put out an RFP and said those counties that get their act together can participate in the program. It was such a success that today all 88 counties that have these collaboratives that are making a difference in the lives of our children.

In my own county, we have a wonderful example of what can happen when agencies work together. The Cuyahoga County Early Childhood Initiative has undertaken a 3-year \$40 million pilot program to promote and improve effective parenting, healthy children, and quality child care in order to assure the well-being of all children in the county from birth through age 5.

Under this collaborative partnership, which began last July, \$30 million comes from a combination of local, State, and Federal sources, and \$8.5 million has thus far been committed by 18 local foundations. In other words, this is a program where we are combining local, State, and Federal resources and private resources to make an impact on these youngsters.

One of the more innovative aspects of this initiative is that it guarantees a visit by a registered nurse, if requested, to every first-time and teen mother in the county. These nurses help identify health and social service needs of both moms and babies, and link families with services that underscore and highlight the importance of a child's first 3 years.

I will never forget when I was Governor, for my 1998 State of the State Address, I invited people who were benefiting from some of the programs we instituted. One of the individuals I invited was a woman from one of our rural counties.

I asked her before the State of the State Address: What did this program do for you? This may sound elementary, but she said: I had my baby, I came home, I put the baby in the crib, and I watched television. When the nurse came out, she said that I should hold my baby, I should sing to my baby, I should read to my baby. She taught me how to use Ziploc bags to make picture books so that I could look at those pictures with my baby. I was told the more I stimulated and spent time with that baby, the more that baby would develop the brain power that God had given her.

Another program we put in place was Help Me Grow, which gives new mothers in Ohio a wellness guide, an informational video, and access to a telephone helpline so that, right from the beginning, new mothers can get the information they need and know where they can turn for help.

Again, it is a private sector initiative that came about as a result of the Family and Children First Initiative. In other words, a woman has a baby at the hospital. She gets a 30-minute video which tells her how to be a better mother. A nurse spends time with her. It is a "how to do it" initiative.

This may be hard to believe, but women all over this country are having babies and need help in what to do when that child is born. This program is going to help make that possible.

The amendment from the Senator from Alaska and the Senator from Vermont will expand the collaborative effort nationwide. This amendment conditions the Federal dollars that localities receive through the lead State agency on the ability of communities to come together and establish collaborative efforts. That means, as I said, putting aside the "turf battles" and galvanizing the resources.

I want to emphasize how important this is. These Federal dollars will be what I refer to as "the yeast that raises the dough." In other words, these funds will act as seed money generating additional local and State resources, and better use of Federal resources, as well as private sector and foundation funds, all to help our children. I know this program is going to work because of the way it has worked in the State of Ohio. Early childhood has been a passion of mine since my

four children were enrolled in a storefront Montessori school when they were just out of diapers.

On the Federal level, the Governors understand how important this program is. In 1998, some 42 Governors chose to highlight early childhood development as a major portion of their State agendas. With this amendment, we will make the Federal Government become a more effective partner with State governments. It will kick start the local and State agencies to better coordinate and collaborate so we can maximize all the resources that are available in the community.

More important, this will give us the opportunity to take the God-given qualities of our most important resource in this country—our children—and provide them the environment they need to fully develop during their most crucial period in life.

Finally—and again I underscore for my colleagues—this is not a new entitlement. It is my hope that my colleagues on the Labor-HHS Appropriations Subcommittee will reprioritize some of the funds we currently spend on education and other health and social services toward early childhood development.

To track what happens with these Federal funds, the amendment requires that States report back on what they have been able to accomplish, ensuring there is accountability for these resources.

This amendment is about our children's future. It is about our country's future. I hope my colleagues will support this amendment on a bipartisan basis. Of all of the things we can do for children in this country, the most important thing we can do is impact on them during this most important period in their life, and what we do during this period in a child's life, in my opinion, is going to be the best investment we can make in our children. All the research shows that for every dollar we invest during a child's earliest years, we save \$4 and \$5 later on in their lives.

I thank the Chair.

Mr. HATCH. Mr. President, yesterday Senator KENNEDY asked me about the source of one of the statistics I quote during the debate on S. 2. I am pleased to provide the Senator from Massachusetts with the source for my statistics.

During the 105th Congress, the House Subcommittee on Oversight and Investigation of the Committee on Education and the Workforce prepared an excellent report, entitled, "Education at a Crossroads: What Works and What's Wasted in Education Today." I am pleased to share an excerpt from it with my colleagues. This report concludes that:

One of the main problems with delivering federal education aid to states and communities through such a vast array of programs is the added cost of paperwork and personnel necessary to apply for an keep track of the operations of each of these programs. Many of the costs are hidden in the burdens placed on teachers and administrators in time and

money to complete federal forms for this multitude of overlapping federal programs.

In 1996, Governor Voinovich of Ohio noted that local schools in his state had to submit as many as 170 federal reports totaling more than 700 pages during a single year. This report also noted that more than 50 percent of the paperwork required by a local school in Ohio is a result of federal programs—this despite the fact that the federal government accounts for only 6 percent of Ohio's educational spending.

The Subcommittee has attempted to quantify the number of pages required by recipients of federal funds in order to qualify for assistance. Without fully accounting for all the attachments and supplemental submissions required with each application, the Subcommittee counted more than 20,000 pages of applications.

So how much time is spent completing this paperwork? In the recently released strategic plan of the Department of Education, the administration highlights the success of the Department in reducing paperwork burdens by an estimated 10 percent—which according to their own estimates accounts for 5.4 million man hours in FY 97. If this statistic is accurate, it would mean that the Department of Education is still requiring nearly 50 million hours worth of paperwork each year—or the equivalent of 25,000 employees working full-time. [page 15]

Mr. President, this paper chase, as I suggested yesterday, has our nation's teachers and administrators spinning their wheels on the requirements of a federal education bureaucracy instead of concentrating on teaching and meeting the needs of students. Our educational system has been taken over by a federally driven emphasis on form rather than substance.

While I commend Secretary Riley's 10 percent reduction effort, we need to go much further in order to put our education emphasis where it needs to be—in classrooms, not on process requirements. I am committed to helping reduce the amount of paperwork teachers and administrators must fill out. S. 2 goes a long way to easing this burden.

#### REAUTHORIZATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. SARBANES. Mr. President, this is the ninth reauthorization of the Elementary and Secondary Education Act of 1965. Regrettably, the reauthorization, as reported by Committee, is not in my view in the best interest of our Nation's children. Established as part of President Lyndon Johnson's war on poverty, the original bill offered Federal support, for the first time, to schools in low-income communities. It underscored the importance of ensuring that all American children have access to quality education.

As the time has come to again reauthorize this important legislation that provides opportunity and hope to so many citizens, the negotiations have taken a drastically partisan turn. Members of the Majority have argued that, because states have paramount responsibilities for education, the role of the Federal Government should be diminished. However, that argument

ignores our Nation's interest in ensuring an educated citizenry which is vital to the strength of our country, the continued health of our economy, and our ability to compete internationally.

On previous occasions, we have worked together to provide the Federal Government's 7 percent share of elementary and secondary education funding to the citizens of our country. We came together, despite our differences, to provide for the less fortunate in society. We came together to make progress on strengthening and improving public schools in every community, while ensuring that the Federal Government retained its mission of targeting the neediest communities.

The Congress and the President showed leadership in the last reauthorization of the Elementary and Secondary Education Act and with the passage of the GOALS 2000 legislation, which established a new benchmark in setting higher standards and moving our educational system in a new direction. Now, after years of tested programs and studies, the Majority wants to go back to the days of block grant funding to states and remove the Federal Government's ability to ensure that we have a targeted and responsible use of our citizens' tax dollars.

At a time when the Nation is enjoying remarkable economic prosperity, we should be working to increase the Federal investment in education to help states, communities, and schools meet the demands of higher standards of achievement, and address the challenges of diversity, poverty, and the lack of technology advancements in some communities. We need to do all we can to target resources to the neediest communities so that the most disadvantaged students get a good education.

During the last two years, we have been able to come together as a Congress and support the President's proposal to provide more teachers to the classrooms to lower class sizes. Over \$2.5 billion has been provided for the purpose of recruiting, hiring, and training teachers. Now the Majority would have us retreat from this critical effort to provide more qualified teachers and reduced class sizes. And it is well settled that smaller class sizes enhances student achievement. Smaller classes enable teachers to provide greater individual attention and assistance to students in need. Smaller classes enable teachers to spend more time on instruction, and less time on discipline and behavior problems. In smaller classes, teachers cover material more effectively, and are able to work with parents more effectively to enhance their children's education.

Mr. President, the Majority's centerpiece for this legislation, the so-called "Straight A's program", whether in the 50-state or the 15-state form—abandons our commitment to help the Nation's most disadvantaged children receive a good education through proven and effective programs. The bill before

us would give states a blank check for over \$12 billion—and then turns its back on holding states accountable for results.

In addition, the Majority undermines the cornerstone of our education reform by making Title I funds “portable.” Portability dilutes the impact that Title I funding has on individual public schools that serve all children. Supporters go to great lengths to avoid admitting that this funding could be used for private, religious, or for-profit services in the form of vouchers, but indeed, this is the case. Vouchers threaten to drain public schools of greatly needed public tax dollars and send the message that when public schools, which educate 90 percent of American children, do not work, they should be abandoned rather than fixed.

As we confront a world that is increasingly complex both technologically and economically, it is critical that we continue to meet the educational needs of our Nation's young people. It is in my view imperative that we maintain strong Federal support to ensure the successful continuation of education programs serving our country's young people. The legislation as submitted by the Majority diminishes the Federal role and does not provide accountability for education standards. This is an unfortunate departure from years of bipartisan support and movement towards higher achievement for all of our young people.

Mr. President, I have a longstanding and deep commitment to the goal of ensuring a quality education for all citizens. The bill before us would retreat from that goal by sharply reducing the Federal role in education—a role, that while narrow in scope, is critical to ensuring reform in our schools and real improvements in student performance, particularly among our neediest students and in our neediest communities.

Mrs. FEINSTEIN. Mr. President, the Senate's consideration of elementary and secondary education policy offers us an opportunity to begin to institute some fundamental reforms of American public education.

I fervently hope that the Senate does just that. I hope we will send to the President promptly a bill that brings about real change.

In the past week, we have debated several approaches and today we will debate another.

First, let me say that federal education funding is only 6 percent of total spending for elementary and secondary education. So in terms of dollars, the federal role is small. Public education spending and policy are largely set by local and state governments and that is the way it should be.

Nevertheless, federal dollars can and should leverage other dollars and in writing legislation to revamp federal education policy, we have the opportunity to stimulate some real reforms.

Why do we need reform? The numbers tell us a sad story.

American students lag behind their international counterparts in many ways. American twelfth grade math students are outperformed by students from 21 other countries, scoring higher than students from only two countries, Cyprus and South Africa.

Three-quarters of our school children cannot compose a well-organized, coherent essay.

U.S. eighth graders score below the international average of 41 other countries in math. U.S. twelfth graders score among the lowest of 21 countries in both math and science general knowledge.

Three-quarters of employers say that recent high school graduates do not have the skills they need to succeed on the job. Forty-six percent of college professors say entering students do not have the skills to succeed in college, according to a February Public Agenda poll.

These statistics speak for themselves. Our schools are failing many of our youngsters. It is not the students' fault. It is our fault.

We need major change.

Our changing economy, particularly in my state, poses huge challenges for public education. Our young people must be able to compete not just nationally, but in the world because the economy today is a global economy.

Here are a few examples:

Our state's economy has moved away from manufacturing toward more higher-skilled, service and technology jobs. Since 1980, employment has increased in California by nearly 28 percent, but growth in the traditional fields, such as manufacturing, has been only six percent. Jobs in the “new economy,” fields such as services and trade, have jumped nearly 60 percent.

California employers say job applicants lack basic skills. High tech CEOs come to Washington and ask us to increase visas so they can bring in skilled employees from overseas because they cannot find qualified employees in our state.

Nationally, over the next 10 years, computer systems analyst jobs will grow by 94 percent; computer support specialists, by 102 percent; computer engineers, 108 percent. Jobs for the non-college educated are stagnating.

Our economic strength is in large part dependent on how well we prepare our youngsters. And today, sadly, we are not preparing them very well by most measures.

California's public schools have gone from being among the best to some of the worst. California has 5.8 million students, more students in public school than 36 states have in total population! California has 30 percent of the nation's school-age immigrant children. We have 41 percent (1.4 million) of the nation's students with limited English proficiency.

We've gone from near the top rank in per pupil spending (we were 5th in the nation in 1965) to near the bottom. California ranks 46th today. In the

1960s California invested 20 percent above the national average per student in K-12 education. Today, California averages 20 percent below the national average.

We have low test scores, crowded classrooms, uncredentialed teachers, teacher shortages, growing enrollments, decrepit buildings.

Let's look at how California's students perform academically:

In fourth grade math, 11 percent of students score at or above proficiency levels—11 percent. In fourth grade reading, 20 percent.

California ranks 32nd out of 36 states in the percent of eighth graders scoring at or above “proficient” on reading. For fourth grade readers, we rank 36 out of 39 states in reading.

California ranks 34th out of 40 states in the percent of eighth graders scoring at or above “proficient” on science.

California ranks 37th among the states in the high school graduation rate.

Forty-eight percent of freshman students enrolling in the California's State University system need remedial math and English.

California's students lag behind students from other states. Only about 40 to 45 percent of the state's students score at or above the national median, on the Stanford 9 reading and math tests.

These are dismal, disappointing and disturbing statistics.

What does this mean for California's future, when our high school graduates cannot read, write, multiply, divide or add, find China on a map, fill out an employment application or read a bus schedule? These are not abstract facts. These are real examples of the weaknesses in our education system.

The Center for the Continuing Study of the California Economy—a highly respected think tank—put it quite bluntly: “Ranking in the bottom 20 percent of all states is simply not compatible with meeting the requirements of industries which will lead California in a world economy.”

In addition to low academic performance, we have a virtual litany of other problems:

California has one of the highest student-teacher ratios in the nation, even though we are reducing class sizes in the early grades.

We will need 300,000 new teachers by 2010. Currently, 11 percent or 30,000 of our 285,000 teachers are on emergency credentials.

We're 50th in computers per child and 43rd in schools with Internet access.

We need to add about 327 new schools over the next 3 years just to keep pace with projected growth. We need \$22 billion to build and repair schools and \$10 billion to install instructional technology, according to the National Education Association report that just came out on May 3. Two million California children go to school today in 86,000 portable classrooms.

Our Head Start programs serve only 13 percent of eligible children.

We have 40 percent of the nation's immigrants. We have 41 percent of the nation's limited English proficient students. Some of our schools have 50 languages spoken.

These challenges will be exacerbated multi-fold. California has nearly 34 million people today, with schools, and roads, and other infrastructure that were built when the population was 16 million. And our population is projected to increase to almost 50 million over the next 25 years. California's school enrollment rate between now and 2007 will be triple the national rate.

But California's education system cannot be fixed with just bricks, mortar and electrical wiring. The problems are much, much deeper than that. The bottom line is this: tinkering around the edges of a failing system is not meaningful change. Nothing short of a major restructuring will turn around our schools.

The condition of public education in California troubles me greatly because this is an area of human endeavor that is critical to the future of our state. California's public school system can be turned around. It will be painful. It will not be easy. But it can be done. And we have to start.

So the question is, what should we do. In my view, we should base our efforts on two key principles: performance and accountability.

The success of our schools must be measured, not by what we put into our classrooms, but what comes out.

There several core elements of education reform:

That basic achievement levels be set for students for every grade in all core subjects. These standards should be phased in over a period of years, and measured at key levels, such as 4th, 6th, and 10th grades.

That social promotion of students be ended. Promotion from one grade level to the next should be based on measured levels of achievement—period. Intensive intervention programs must be provided for those who fall short and who need extra help. Extra, intervention or remedial programs must accompany the end of social promotion because clearly, retention should not replace the ending of social promotion.

That standards be set to measure a school's achievement.

That class size be reduced and phased in over 10 years.

That school size be reduced. Educators tell us that elementary schools should be limited to 450 students.

That the length of both the school day and the school year be increased, thereby increasing both instructional time for students as well as instructional development time for teachers.

In most states, the school year is 180 days. In other industrialized nations, students spend more time in the classroom, and teachers have more time for instructional development each year. For example, in Korea the school year is 220 days. In Japan it is 220. In Israel it is 216, and in Great Britain, 190.

That public school choice be increased.

And that teacher training and pay be improved, to elevate teaching to a respected and competitive position. I have proposed, for example, master teachers who mentor and coach other teachers, especially those in their first year in the classroom and who get salaries commensurate with that role.

Today, I intend to vote for Senator LIEBERMAN's reform proposal because I believe it takes a fresh approach to federal education policy and will bring us "more bang" for our education bucks by linking real reforms to federal dollars.

Here is what the Lieberman amendment does. It does three things.

First, it takes almost 50 current, disparate federal education programs and consolidates them into five performance-based grants:

- educating disadvantaged children;
- improving teacher quality;
- teaching English to non-English-speaking children;
- expanding public school choice; and
- supporting high performance initiatives.

Second, the amendment increases authorized funding levels:

- educating disadvantaged children (Title I), a 50 percent increase, from \$7.9 billion to \$12 billion;

- teacher training, a 100 percent increase from \$620 million to \$1.6 billion;

- teaching English to non-English-speaking children, a 250 percent increase, from \$380 million to \$1 billion;

- public school choice, from \$145 million to \$300 million;

- high performance initiatives, a new infusion of \$2.7 billion.

Third, instead of the funds just going out the door without ever knowing any results, the Lieberman amendment requires for each of the five areas, that states demonstrate improvement. How does it do that? Accountability. The amendment has several important elements.

It requires states to have content and performance standards in at least English language arts, math and science. It requires states to define "adequate yearly progress" (AYP) and requires 90 percent of school districts to meet AYP, and within school districts, 90 percent of schools to meet AYP.

It requires school districts to identify failing schools and after two years and requires those schools to develop an improvement plan. Every school district must have a system of corrective action for failing schools.

The amendment gives states three years to implement their own accountability systems; requires states to sanction districts that do not meet their annual performance targets; cuts administrative funds if states do not meet objectives; authorizes funds to correct low-performing schools.

For Title I, each state must develop plans to ensure that all children are proficient in math and reading within

10 years. Each states must set performance goals for increasing overall academic achievement and for closing the gap between high- and low-income students, minority and non-minority students, limited English proficient children and non-LEP students.

On teachers, it requires that states have all teachers fully qualified by 2005. It preserves the class size reduction program.

For non- or limited English-speaking children, it requires states to develop standards for measuring English proficiency, to set performance goals and to require school districts to make adequate yearly progress in core academic subjects.

On public school choice, it requires states to hold charter and non-traditional schools accountable to the same content and performance standards as any other public school. It allows students in failing schools to transfer to another public school.

It requires states to have annual performance goals and a plan for holding local districts accountable. It rewards districts that meet or exceed their performance goals.

If states do not show improvement in three years, they lose administrative funding. States must also hold school districts accountable and have sanctions for low performance.

I believe that this amendment represents a comprehensive, constructive approach to real school reform.

In addition, the amendment increases authorized funding for elementary and secondary education by \$35 billion. But it doesn't just add money, it better targets funds to those truly educationally disadvantaged children, such as poor students and limited English proficient students. According to tables prepared by the Congressional Research Service, California would see increases in Title I, in teacher training, in programs for limited English proficient children and innovative high performance grants.

Some may see it as tough. Some may see it as a too different. But we have gotten to the point where we need to look at different ways. As doctors say about an antibiotic, it must be (1) targeted; (2) of sufficient duration and (3) of sufficient dose. That is what this amendment is.

By clearly linking federal dollars to results, we can begin to put in place some real steps toward improving student achievement and making public education produce real results.

My goal is not to be harsh, to "dish out" requirements, sanctions and penalties. Our schools are overwhelmed. Our teachers are overwhelmed. They are often asked to do the impossible.

But our few federal dollars—6 percent of total education spending—can and should be used to produce results.

That is what this amendment does and that is why I support it.

I want to thank Senator LIEBERMAN for including in his amendment two of my initiatives: one is on master teachers and the other is on use of Title I funds.



In Title II of the bill, the title providing funds to strengthen teacher training, Senator LIEBERMAN has added a master teacher section so that school districts can use these funds to establish master teacher programs. Under the language, a master teacher would be an experienced teacher, one who has been teaching at least five years, and who assists other (particularly new) teachers in improving their skills.

I have proposed creating master teacher programs because I believe these "senior teachers" could enhance the profession of teaching and encourage people to stay in the classroom, as well as help the newer teachers "learn the ropes." School districts could use these funds to, for example, increase teachers' salaries and that too could keep them in the classroom instead of moving to an administrative job or to private industry.

In California, teachers' salaries average \$44,585 which is \$4,000 higher than the U.S. average. But the schools cannot compete with private industry without some help. I believe starting master teachers should earn at least \$65,000 a year so that we can begin to reward excellence and dedication and keep our teachers in the classroom. These programs have proven to work in Rochester and Cincinnati and I believe other areas should be given the resources to try them too.

I am also grateful that Senator LIEBERMAN has included language I suggested to clarify and refine how Title I funds can be used. The goal of this amendment is to better focus Title I on improving students' academic achievement. Under current law, there is little direction and no restrictions on how Title I funds can be used. Under this amendment, Title I funds would have to be used for services directly related to instruction, including extending instruction beyond the normal school day and year; purchasing books and other materials; and instructional interventions to improve student achievement. Funds could not be used, for example, for paying utility bills, janitorial services, constructing facilities, and buying food and refreshments.

This amendment is needed because when my staff checked with a number of California schools, we learned that Title I funds have been used for virtually everything, from clerical assistants to payroll administration, from college counseling to coaching, from school yard duty personnel to school psychologists. Alan Bersin, Superintendent of the San Diego Public Schools, found that Title I funds have been used to pay for everything from playground supervisors and field trips to nurses and counselors.

Many of these are no doubt worthy expenditures. But we have to realize that Title I cannot do everything. With limited federal dollars, I believe we should focus those dollars on what counts—helping students learn and helping teachers teach. Activities unrelated to instruction will have to be funded from other sources.

This debate is about the future of our nation. We must ask some fundamental questions about our schools.

Seventeen years ago, the nation's attention was jolted by a report titled *A Nation at Risk*. In April 1983, the Reagan Administration's Education Secretary, Terrell Bell, told the nation that we faced a fundamental crisis in the quality of American elementary and secondary education. The report said:

Our nation is at risk. If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war.

The report cited declines in student achievement and called for strengthening graduation requirements, teacher preparation and establishing standards and accountability.

Today, we still face mediocrity in our schools. While there are always exceptions and clearly there are many excellent teachers and many outstanding schools, we can do better. To those who say we cannot afford to spend more on education, I say we cannot afford to fail our children. Our children do not choose to be illiterate or uneducated. It is our responsibility and we must face up to it.

If we have failed, it is because as a society we have become complacent and have had low expectations. So we do whatever it takes, no matter how painful, to fix a system that is not only failing our children, but hurting our children.

If we are not willing to make the commitment to provide our children a first-class education, we are failing as a society. What can be more important than giving our children a strong start, a knowledge base and a set of skills that make them happy, productive and fulfilled citizens?

I truly believe, if we expect our children to achieve, we must make it clear that we expect and support achievement in every way. That is why I support this amendment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed as in morning business for the next 20 minutes.

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

#### INTERNATIONAL PARENTAL KIDNAPPING

Mr. DEWINE. Mr. President, I have come to the floor this evening because I want to draw my colleagues' attention to a very important editorial that appeared in this morning's *Washington Post*. This editorial concerns international parental kidnapping. I also call my colleagues' attention to a feature article that appeared on the same subject in Sunday's *Washington Post*.

Both Sunday's article and today's editorial are very critical of the way the Federal Government has been han-

dling international parental abduction cases. In fact, the editorial today characterizes the Government's response to these cases as "incomprehensibly lackadaisical." I could not have said it better myself.

This is an issue that I have spoken on this floor about on several different occasions. It is a matter on which our committee has held several hearings. But despite those hearings and despite those speeches, I do not think there has been anything that has explained it in as great a detail and in as heart-breaking a way as the article that appeared in Sunday's *Washington Post*.

That story involves the heart-breaking story of Joseph Cooke, who, for the last 7 years, has been unable to retrieve his three children from a German foster home. In Mr. Cooke's case, his German-born wife had taken their three children on what was supposed to be a 3-week vacation to her homeland to visit her parents.

One day, though, during the trip, Mrs. Cooke took her children, boarded a German train, and essentially disappeared. She called her husband and only gave him a cryptic explanation as to where she was going and what she was doing with their children.

Joseph contacted his wife's parents in Germany, but they gave him little help or information. What Joseph eventually discovered was that his wife had checked into a German mental health facility and had placed their children in the care of the German Youth Authority, who, in turn, put the children in a foster family. And even though Mrs. Cooke eventually left the mental health clinic and returned to the United States, the children remained with the German foster family.

With very little information as to the whereabouts of his children, Mr. Cooke tried desperately to get his children back. But despite the fact that the children are U.S. citizens, and were living in the United States when they were taken—despite the fact that Joseph was awarded eventual custody of the children by a U.S. court, and despite the very plain terms of the Hague Convention, an international treaty setting forth a process for the timely return of children wrongly removed or retained from their home country—German courts, in spite of that, ruled that the children were to remain in Germany.

The Cooke case is a perfect example of how the Hague Convention, of which I point out Germany is a signatory, just isn't working. It isn't working because the nations that have agreed to it, including the United States, refuse to make it work.

The United States complies with the Hague Convention. When another country makes an order, the United States, in over 80 percent of the cases, complies. That is not what I am talking about. What I am talking about is we make no attempt to enforce it. It isn't working—let me repeat—because the

nations that have agreed to it, including the United States, refuse to make it work.

Member countries are not complying, and, tragically, our State Department and our Justice Department are not doing anything about it. The State Department is too reluctant to use the appropriate diplomatic channels to encourage foreign nations to comply with the treaty.

As the Washington Post article pointed out on Sunday:

The State Department says it cannot enforce the Hague convention or interfere in decisions overseas. "There are no consequences for noncompliance," said a U.S. official with the embassy in Germany. "I look at it as a voluntary compliance sort of thing."

"I look at it as a voluntary compliance sort of thing."

With that kind of attitude on behalf of our State Department, is it any wonder no country pays any attention to us?

"... a voluntary compliance sort of thing."

As a Senator and as a parent and as a grandparent, I find that kind of approach to treaty enforcement appalling and unacceptable. The fact of the matter is, international parental abduction goes far beyond Joseph Cooke's tragic situation.

Currently, the State Department has on file at least 1,100 cases of international parental kidnapping, when one parent illegally takes his or her child out of the United States and right out of the life of the parent left behind.

These kidnappings and ensuing custody battles devastate families. They are devastating not only for the left behind parent but also for the child who is denied what every child should have; that is, the love of one of his or her parents.

Equally devastating is that during the media hype surrounding the Elian Gonzalez case, the State Department tried to use that case as a public relations opportunity to boost their own miserable record on getting our kids back from international parental abductions.

Amazingly, in one media account a State Department official actually said that in cases of international parental kidnappings: "We don't take no for an answer." That is simply not true. The sad reality is that both our State Department and our Justice Department are, in fact, taking no for an answer. Their actions or inactions are speaking a lot louder than their words.

For example, the Justice Department rarely pursues prosecution under the International Parental Kidnapping Act, and, in the last 5 years, just 62 indictments and only 13 convictions have resulted from thousands and thousands and thousands of cases of abductions.

Every parent who has been left behind when a spouse or former spouse has kidnapped their children knows that our Government is not making the return of those children a top and

immediate priority. The message this Government—our Federal Government—continues to send to these parents is that once their children are abducted and taken out of the United States, they just don't matter anymore.

When I have asked the State and Justice Departments about this, when I have asked repeatedly about why they are not doing more to help these parents get their kids back, all I get are excuses.

Contrast that message and that inaction toward American children with the dramatic and very different message that those same officials sent by forcing, at gunpoint, the reunion of Elian Gonzalez with his dad. That, indeed, paints a very different picture.

The excuses are endless. State and Justice blame their inaction on complicated extradition laws. Other times, they say these cases are private disputes between parents so the Federal Government should be left out of such matters. They figure, too, that these children are really not being kidnapped by strangers—they are with a parent, after all, so what is the big deal?

Taken all together, these factors suggest that the State Department is more interested in maintaining positive relationships and diplomatic ties with foreign governments than in helping American parents. In essence, these agencies are saying: You may steal American kids and get away with it.

Quite frankly, when it comes to a stolen child, there should be no excuses. Our Federal agencies must make these abductions a top priority. They need to coordinate efforts to offer more assistance to distraught parents seeking a safe return of their children from abroad. They should begin a training program for U.S. attorneys and designate one attorney in each of their offices across our country to be responsible for these international abduction cases.

Additionally, I am writing to President Clinton about his upcoming meeting with the German Chancellor and am encouraging him to discuss Joseph Cooke's case, and the other cases that we have pending in Germany, as well as the overall pattern of German non-compliance with the Hague Convention.

Further, with regard to the Hague Convention, specifically, in March, I submitted a resolution which now has the support of 35 Senate cosponsors to encourage all of the countries that have signed the Hague Convention, particularly those countries that consistently violate the convention—namely, Austria, Germany, and Sweden—to comply fully with both the letter and the spirit of their obligations under the convention that they signed.

This resolution we have introduced urges countries to return children under that convention without reaching the underlying custody dispute and to remove barriers to parental visitation. I am pleased to report that the

resolution has been approved by the Senate Foreign Relations Committee and is awaiting floor consideration.

Governance is about setting priorities. Policymaking is about setting priorities. Yes, our State Department has a lot to do and, yes, our Justice Department has a lot to do and, yes, there is no real teeth in the Hague Convention, other than international opinion, other than good, hard negotiations between countries. What I am asking the State Department and the Justice Department to do is begin to prioritize these cases.

The Attorney General of the United States should say to every U.S. attorney across this country that parental kidnapping cases should be at the top of the list of your priorities. Pay attention and deal with these cases. The Secretary of State should say to our embassies overseas, to our ambassadors, yes, trade is important; yes, immigration issues are important; yes, whatever is the topic of the day is important as you sit down and discuss these issues with the President of the country you are dealing with, or the Prime Minister; these are all important things; but also don't forget the children who have been stolen from their parents in the United States are important, also, and they should have a high priority.

So it is not an excuse that should be accepted by the parents of these children, nor by this Senate, by this Congress, nor by the American people, that we just don't have time to do this, or it just can't be enforced or other things are going on. This should be a priority.

I am calling on our Government today to make judgments and set priorities. Our children should always be our first priority. I think it is ironic that it is easier today to get our ambassadors and our State Department engaged on a trade matter than it is on a matter regarding the stealing of one of our children. The stealing of our children is important, and it is equally as important, I hope, and would be so considered by the Justice Department and by the State Department as a trade matter or the enforcement or the prosecution of any number of other types of cases.

In the end, we are succeeding in bringing parentally abducted children back to their homes in the U.S. Our Federal Government must take an active role in their return. Ultimately, our Government has an obligation to these parents and, more important, to the children who have been kidnapped. It is time our Government agencies put American parents and their children first.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak for up to 15 minutes in morning business.

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

#### THE 200TH ANNIVERSARY OF THE BIRTH OF JOHN BROWN

Mr. BROWNBACK. Mr. President, today, May 9, is the 200th anniversary of the birth of a famous American who remains probably the most controversial figure in U.S. history. On May 9, 1800, John Brown was born. It is his birth and his life and the institution of slavery that I will speak about this evening for a few minutes.

I grew up in eastern Kansas. As a child, I played on the ground where John Brown stayed most often while he was in Osawatomie, KS. He was known as Osawatomie Brown for his fighting during the early phases of what led to be the Civil War. He stayed at the Adaire cabin. His brother-in-law was a minister in Osawatomie. It was on property which my grandparents owned that the cabin was later moved, to the park where the Battle of Osawatomie took place. That park was dedicated by Teddy Roosevelt. Such was the importance of what took place there in the epic struggle in this country to end the institution of slavery.

John Brown, the renowned abolitionist, was hanged for his attempt to incite a slave rebellion at Harper's Ferry, VA. Yet even though everyone objects to his tactics, his death has become "the symbol of every element opposed to slavery." His contemporary, Frederick Douglass, the great African American abolitionist, acknowledged that "John Brown began the war that ended American slavery and made this a free Republic."

This 200th anniversary is a reminder of the heartache wrought by slavery in America. It is a humble tribute to the suffering of millions of African Americans who lived and died under dehumanizing bondage. John Brown is a part of that story.

He was born in Litchfield County, CT, on May 9, 1800, and absorbed a deep hatred of the pervasive institution of chattel slavery early in his life. Once, while herding his father's cattle to market a long distance, he watched as a slave boy his age, whom Brown had befriended, was violently beaten with an iron shovel. He was acquainted with the common forms of punishment

wherein "slaves were stripped of their clothing, faced against a tree or wall, tied down or made to hang from a beam, their legs roped together with a rail or board between them, and severely beaten." Such things surely motivated his increasing disdain. He internalized a passage from the Bible, Hebrews 13:3, which says:

Remember them that are in bonds, as bound with them; and them which suffer adversity, as being yourselves also in the body.

The English Parliamentarian, William Wilberforce, and other people of courage, had ended slavery in Great Britain by 1807. Yet in John Brown's America, slavery thrived and grew as the American cotton trade boomed from 1815 until 1860, aggressively capturing the European market. By 1860, there were 4 million slaves in America. No one knows the total number of slaves from the time of the first settlers in 1619 to the end of the Civil War in 1865, but the number is staggering—in the several millions.

Particularly during the 17th and 18th centuries, multitudes of people had been abducted from Africa to America. Their month-long passage epitomized the degradation to follow:

Segregated by gender, the blacks were chained together and packed so tightly that they often were forced to lie on their sides in spoon fashion. Clearances and ships' holds often were only two to four feet high. In bad weather or because of some perceived threat, they had to remain below, chained to one another, lying in their own filth. "The floor of the rooms," one 18th-century ship observer wrote, "was so covered with blood and mucus which had proceeded from them in consequence of dysentery, that it resembled a slaughter house." Slave ships were smelled before they were seen, as they entered the harbor in heinous conditions.

It is said that slavery contemporary to this time was the largest manifestation of human bondage in the history of mankind. I ask, how could this great nation, birthed in freedom, systematically and shamelessly reap great fortunes, in part, on the backs of abducted, brutalized people? How could human beings be branded like cattle, bought and sold at will in the middle of a busy market place, ripped from their families, raped with impunity resulting in children who were then also enslaved, lashed with bullwhips, murdered without consequence, worked to death, their very humanity mocked in every possible way? One American commenting on our slave trade overseas remarked, "We are a byword among the nations." It was in this evil time that John Brown began to champion political and social equality for African-Americans, as did a growing number of abolitionist societies which mushroomed in the 1830's.

In 1850, the Fugitive Slave Act was passed by Congress whereby harboring people escaping from slavery, even to the free states, became a Federal crime. This crime carried a penalty of up to 6 months of incarceration and a \$1,000 fine, which was a substantial sum considering that the average daily

wage was \$1.50. Moreover, the act provided that Federal agents would not be charged in tracking escapees, even in the North, forcing slaves back to their masters. Consider that American taxes were paying for this wretched service of slave catching, in a country whose revolution was synonymous worldwide with a renowned liberty.

In protest, John Brown, like many abolitionists of his day, provided assistance to fugitive slaves seeking freedom in the northern United States and Canada. Also, fugitive slaves lived with him and his family, despite the threatened penalties. At one point, he moved his family to North Elba, NY, to live with a community of escaped and redeemed slaves, to teach reading and fanning.

Another blow occurred in 1854 when the Kansas and Nebraska Act was passed by Congress, repealing earlier legislation which had outlawed slavery in the territory from which Kansas was created. This new act allowed residents to vote on whether or not slavery would be adopted by the new state, making it an option for the first time. So Kansas and Nebraska could be slave States.

It was the common thinking of the time that actually what would happen was Nebraska would become a free State and Kansas a slave State; that Iowans would pour over into Nebraska, making it a free State; Missourians would pour over into Kansas, and Kansas would become a slave State; thus, the balance would be maintained.

In response, John Brown and family members moved to Kansas in 1855 to oppose the expansion of slavery into the western territories, as did a flood of Free Soilers, as free state advocates were called, from the East. The free state epicenter was the city of Lawrence, which attracted many Eastern anti-slavery people and became a target for destruction by the Border Ruffians.

During this time, pro-slavery forces terrorized Kansas free state settlers with beatings, shootings, looting, and ballot stuffing. An English traveler observed that "murder and cold-blooded assassination were of almost daily occurrence . . . Murderers, if only they have murdered in behalf of slavery, have gone unpunished; whilst hundreds have been made to suffer for no other crime than the suspicion of entertaining free-state sentiments." Numerous Kansas conflicts included the Wakarusa War, the sacking of Lawrence, and the battles of Black Jack, Osawatomie, and the Spurs. In this brutal period, Brown became a national symbol of "Bleeding Kansas" and the free state struggle. During his 3 years of activity in the Kansas Territory, he orchestrated offensives against the Border Ruffians, and helped to liberate dozens of enslaved African-Americans by force from Missouri farms. Sadly, he participated, tacitly or overtly, in the killing of 5 men at Pottawatomie Creek in a shameful incident which

still haunts his legacy today. These were dangerous times generating extreme responses from both sides.

During the presidential elections of 1856, the conflict crescendoed, and the central debate was slavery in Kansas. That year, the new Republican party "emerged with a single plank in its platform: Stop the bloody struggle in Kansas; stop the spread of slavery in the territories." Finally, Kansas was birthed a free state in 1861. Her motto, *Ad Astra Per Aspera*—To the Stars Through Difficulty, is an historic truth, reflecting a people whose freedom had been won through unusual hardship and conflict. This is the extraordinary heritage of Kansas, and it is linked with John Brown.

His actions in Kansas, followed by his attempt to incite a slave insurrection at Harper's Ferry, Virginia on October 16, 1859 forced a renewed examination of the institution of slavery and strengthened the resolve of the North to resist further expansion. President Abraham Lincoln, condemned the tactics of John Brown at the time of his death as we all do now and did not object to his execution on December 2, 1859 for treason against the state. Nevertheless, Lincoln told an Atchison, Kansas audience that Brown had "shown great courage, rare unselfishness" and "agreed with us in thinking slavery wrong." On that December day of his execution, his words rang prophetically true, foretelling the coming Civil War, when he stated, "I, John Brown, am now quite certain that the crimes of this guilty land will never be purged away but with blood. I had, as I now think, vainly flattered myself that without very much bloodshed it might be done."

Those were his words on the way to the gallows.

In this fight for which he had sacrificed everything, John Brown's excesses were as extreme as his hatred of slavery. His willingness to shed blood is wrong, should not be romanticized, nor justified, no matter the cruelty of the circumstances. Yet we should remember the sacrifices that he, and others like him, both black and white, made to procure the freedom of an entire people. A contemporary, Franklin Sanborn, summarized this best: "We saw this lonely and obscure old man choosing poverty before wealth, renouncing the ties of affection, throwing away his ease, his reputation, and his life for the sake of a despised race and for zeal in the defense of his country's ancient liberties."

Therefore, let us remember this 200th anniversary of John Brown and the crooked path we walked as a nation towards freedom for all.

TRIBUTE TO CAPTAIN WILLIAM H. LEWIS, CIVIL ENGINEER CORPS, U.S. NAVY

Mr. LOTT. Mr. President, I take this opportunity to recognize the exemplary service and career of an out-

standing naval officer, Captain William H. Lewis, upon his retirement from the Navy at the conclusion of more than 27 years of commissioned service. Throughout his distinguished career, Captain Lewis has truly epitomized the Navy core values of honor, courage, and commitment. It is my privilege to commend him for a superb career of service he has provided the Navy and our great Nation.

Captain Lewis is a native of Newburgh, New York. He studied civil engineering at the Ohio State University on a Naval Reserve Officer Training Command scholarship. He also received his Master's degree in Civil Engineering at Ohio State on an Environmental Protection Agency Fellowship before being commissioned as a Navy Civil Engineer Corps officer in 1973. Captain Lewis later attended L'Universita di Perugia, Italy, and the Executive Program at the University of Michigan.

His first tour of duty was at Naval Station Treasure Island as the Assistant Public Works Officer. He became Treasure Island's first Staff Civil Engineer with the commissioning of Public Works Center San Francisco Bay. He also had tours as an Assistant Resident Officer in Charge of Construction (ROICC), ROICC San Francisco Bay Area, with Western Division (WESTDIV), Naval Facilities Engineering Command (NAVFAC), San Bruno, California; an instructor at the Civil Engineer Corps Officers School at Port Hueneme, California; and as the Flag Aide to the Commander, Naval Facilities Engineering Command and Chief of Civil Engineers.

In 1980, he served with the Seabees as the Alfa Company commander for U.S. Naval Mobile Construction Battalion (NMCB) SIXTY-TWO homeported in my great State of Mississippi. The MINUTEMEN were deployed to Rota, Spain where they won the Battle E and Peltier Award as the best Seabee battalion in the Atlantic Fleet and entire fleet respectively. NMCB-62 also served in Roosevelt Roads where they redeployed to build a Cuban-Haitian refugee camp at Fort Allen and was the last full battalion deployed to Diego Garcia. In 1982, he returned to WESTDIV as the Assistant Head of the Acquisition Department. In that capacity, he served as the Air Force Program Coordinator for the Space Shuttle facilities for the military Space Transportation System program and the design of the \$220 million David Grant Medical Center at Travis Air Force Base, Fairfield, California. In 1985, he was selected to be the Deputy Officer in Charge of Construction at Travis AFB on the largest firm fixed price construction contract awarded by NAVFAC that year. In 1986, he became the Staff Civil Engineer for Commander, Fleet Air Mediterranean in Naples, Italy responsible for the Navy's NATO Infrastructure Program and Project PRONTO. In 1989, he returned to Navy Public Works Center San Francisco Bay as the Production Offi-

cer and participated in the disaster recovery operations from the Loma Prieta earthquake. In 1992, he became Vice Commander at the Western Division, Naval Facilities Engineering Command, San Bruno, California. In 1994 he became the Commanding Officer, Engineering Field Activity, Mediterranean, Naples, Italy in support of the Fifth and Sixth Fleets and the Department of Defense's largest overseas construction program, including the Naples Improvement initiative, the bed down of the 31 Tactical Fighter Wing at Aviano, Italy, and the force protection efforts at Bahrain. In 1997, he reported onboard as the Executive Officer, Naval Facilities Engineering Command, Southern Division (SOUTHDIV), Charleston, South Carolina. On May 14, 1998, he became the 27th Commanding Officer at SOUTHDIV.

Captain Lewis' awards include the Legion of Merit, Meritorious Service Medal (third gold star), Navy Commendation Medal (second gold star), Air Force Commendation Medal and Navy Achievement Medal (gold star). He is a member of the Society of American Military Engineers and Tau Beta Pi and is a registered Professional Engineer in the state of California. Captain Lewis is Seabee Combat Warfare qualified, a member of the Acquisition Professional Community and holds a Level III (unlimited) NAVFAC Contracting warrant as well as a Level III (unlimited) Real Estate Contracting Warrant.

Captain Lewis' visionary leadership, exceptionally creative problem solving skills and uncommon dedication have created a legacy of achievement and excellence. The Great State of Mississippi has benefitted immensely from Captain Lewis' engineering leadership, both during his time as a junior officer serving with the Seabees in Gulfport, Mississippi and in his present capacity as commanding officer of SOUTHDIV. As Commander, Southern Division, Naval Facilities Engineering Command, Captain Lewis was instrumental in completing projects throughout the Great State of Mississippi, to include critical waterfront projects at Naval Station Pascagoula; planning and design of a future Warfighting Center at Stennis, Mississippi, and a major Navy Family Housing complex in Gulfport.

Captain Lewis will retire on May 12, 2000 after 27 years of dedicated commissioned service. On behalf of my colleagues on both sides of the aisle, I wish Captain Lewis fair winds and following seas. Congratulations on completion of an outstanding and successful career.

MYRA LEONARD—A LEGENDARY LADY

Mr. HELMS. Mr. President, this is an occasion when I wish to attempt, with a heavy heart, to pay my respects to a dear lady who last week passed away. Myra Leonard was a leader of the Polish-American community and the long-

time Executive Director of the Washington Office of the Polish American Congress.

For nearly 20 years Myra was a respected and tireless advocate of the ties that bind the United States and Poland. During the 1980s, when Poland's Solidarity movement struggled under martial law, Myra generated great support for the movement by soliciting humanitarian support to Poland.

She coordinated the "Solidarity Express"—a train of some 22 railroad cars loaded with relief goods. At her suggestion, on the first-year anniversary of Solidarity, a Solidarity Convoy produced thirty-two container trucks bearing relief cargo.

Myra's initiatives contributed literally millions of dollars of humanitarian support to the Polish people during that difficult decade, but more recently, Myra played a pivotal role in the effort to transform the Polish-American relationship from one of partnership to that of allies. One cannot overestimate the energy and momentum she and her husband, Casimir, brought to the effort to bring Poland into the North Atlantic Treaty Organization. For her efforts, Myra and her husband were both honored by the Polish Government with the Commanders' Cross.

This year, Poland and the United States will, together, launch the Polish American Freedom Foundation. Myra's invaluable counsel and political judgment ensured that this initiative successfully navigated the difficult path of transforming a grand concept into a real foundation that will on a daily basis reaffirm the commitment of the United States and Poland to democracy and freedom.

So, we are deeply saddened by Myra's passing and we use this occasion to express to her husband, Casimir Leonard, and to the other members of her family, how much we will miss her. Our memory of Myra will be a lady of tireless energy and warmth who brought to Washington a genuine devotion to the ties binding Poland and America.

#### REUNITING AMERICAN CHILDREN AND THEIR PARENTS

Mr. LEAHY. Mr. President, throughout the dispute over Elian Gonzalez, I have argued that he should be reunited with his father Juan Miguel. I have made this argument because I believe that children belong with their parents, barring evidence of unfitness. I also made this argument because I was concerned about how American parents are being treated internationally.

At the Judiciary Committee hearing held on the Elian Gonzalez case on March 1, I also urged that we consider the potential impact of that case on those of U.S. parents fighting to gain custody of their children in other countries. In fact, at that hearing I made sure to invite a U.S. parent who has struggled for years just for the right to

see his children in Japan, and who believes, as do other American parents in similar circumstances, that to preserve American credibility we must practice what we preach and reunite Elian Gonzalez and his father.

I worked for months on such a case of an American child who was taken abroad by an estranged parent. Had it not been for the active intervention of the Government of Egypt, the child would not have been reunited with his American mother. Reuniting Elian and his father was the best thing for Elian and also the best way to advance American interests—and the interests of American parents whose children have been taken abroad without their consent.

At the March 1 hearing, I quoted Mary Ryan, the Assistant Secretary of State for Consular Affairs, who had testified in the federal court case regarding Elian Gonzalez that a failure to enforce the INS' decision that Elian Gonzalez should be reunited with his father would "be inconsistent with the principles we advocate on behalf of the United States and could have potentially lasting negative implications for left-behind parents in the United States and for U.S. citizen children taken to foreign countries."

I believe that the American government should stand behind that principle and seek to bring children and their parents back together. I am proud that the government has reunited Elian and his father, and I think the pictures of the two of them together have proven beyond a doubt that this was the right result.

But I am deeply concerned that the energy and effectiveness that our government showed in reuniting Elian and his father does not always seem to apply to its attempts to reunite American children and their parents. Indeed, recent articles in the Washington Post indicate that our State Department should take a far more active role in helping American parents who—in violation of international law—are being deprived of custody of their children.

The Washington Post tells the story of Joseph Cooke, a New York man whose then-wife took their two young children to Germany and, without Mr. Cooke's consent, turned the children over to the state because she felt unable to care for them. For a year and a half, Mr. Cooke was unable to find out what had happened to his children, as his wife refused even to tell him where they were. When he finally was able to locate them, he sought custody of them in both American and German courts. Although he obtained a custody order from an American court, which under the Hague Convention is binding upon Germany since the children had resided in the United States for all of their young lives, the German courts have refused to grant him custody. Instead, they have ruled that the children should stay with their foster parents, in part because during the drawn-out German legal process, the children

learned German, went to German schools, and grew attached to their foster parents. The court felt that reuniting these children with their father would result in "severe psychological loss."

The State Department's reaction to this case hardly befits the importance of the issue involved. Despite Germany's obligations under the Hague Convention, a State Department spokeswoman told the Washington Post, "We're not the courts. It's up to the courts to make those kinds of decisions." The very point of the Hague Convention is to provide countries with a diplomatic opportunity to question the rulings of courts outside the country where the children habitually reside. The Convention is rendered meaningless if our State Department is not willing to act as a strong advocate for American parents. As the Post reported, only 80 out of the 369 children—22 percent—who were the subject of Hague applications from American parents from 1990 to 1998 have come back to the United States, and that number includes those children who were voluntarily returned. Meanwhile, U.S. courts have returned 90 percent of children who were the subject of Hague applications in other countries.

In other words, while America obeys its treaty obligations, it has failed to enforce our own treaty rights. This is not a minor problem, either. The State Department says that it has 1,148 open international custody cases, and there are surely far more cases that have not been reported to the government. The State Department should be doing everything within its power to help American parents. I implore our government to pay more attention to this issue, and I ask our allies to abide by their own duties under the Hague Convention.

I ask unanimous consent to enter an editorial on this matter from today's Washington Post into the RECORD.

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

[From the Washington Post, May 9, 2000]

#### STOLEN CHILDREN

When Congress was considering legislation that would have kept Elian Gonzalez in this country, State Department officials argued that such a precedent could disrupt their efforts to intervene in cases where American parents have had children abducted abroad. A sound argument, with one big problem: It turns out that in many of the 1,100 open cases in which American parents are fighting to get their children back from recalcitrant court systems in other countries, the State Department isn't making much effort on the parents' behalf. The heartwrenching story of Joseph Cooke and his children, told Sunday in this newspaper by Post reporters Cindy Loose and William Drozdiak, highlights an unusually egregious problem with German-American custody battles in particular: In at least 30 cases, advocates say, German judges have flouted basic tenets of the 1980 Hague treaty on international abductions, to which their country is a signatory, and kept children from parents who had overwhelming claims to them. But the Cooke story also reveals an almost incomprehensibly lackadaisical U.S. Government response to the

human tragedies that arise when a parent cannot get his or her rights enforced.

The Hague Convention calls for quick resolution of custody disputes in the country where a child "habitually resides." The law lacks teeth: An official at the U.S. Embassy in Germany told a Post reporter that he viewed the Hague Convention as "a voluntary compliance sort of thing." Up the ladder, it's the same: U.S. ambassadors fail to raise individual cases or to make diplomatic noise over these cases. German officials say they cannot intervene in the court system. German Foreign Minister Joschka Fischer, meeting with Secretary of State Madeleine Albright this week, echoed that view when the secretary raised the Cooke case—though Mr. Fischer said he was touched by the Cookes' "personal tragedy."

American reluctance to apply diplomatic pressure makes no more sense than German excuses about "interfering" in the judiciary. Public and private pressure through diplomatic channels on behalf of Sundered families can indeed have an effect; so could legislation to require judges to be trained in the applicable laws. When an ally such as Germany flouts good conduct in this regard, the issue should rise to the top of the diplomatic agenda, not be shunted aside.

#### SENATE QUARTERLY MAIL COSTS

Mr. MCCONNELL. Mr. President, in accordance with section 318 of Public Law 101-520 as amended by Public Law 103-283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the second quarter of FY2000 to be printed in the RECORD. The second quarter of FY2000 covers the period of January 1, 2000 through March 31, 2000. The official mail allocations are available for franked mail costs, as stipulated in Public Law 106-57, the Legislative Branch Appropriations Act of 2000. I ask unanimous consent that material I referenced be printed in the RECORD.

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

#### SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 03/31/00

Senators	FY2000 official mail allo- cation	Total pieces	Pieces per cap- ita	Total cost	Cost per capita
Abraham .....	\$114,766	0	0	0	0
Akaka .....	35,277	0	0	0	0
Allard .....	65,146	0	0	0	0
Ashcroft .....	79,102	0	0	0	0
Baucus .....	34,375	0	0	0	0
Bayh .....	80,377	0	0	0	0
Bennett .....	42,413	0	0	0	0
Biden .....	32,277	0	0	0	0
Bingaman .....	42,547	0	0	0	0
Bond .....	79,102	0	0	0	0
Boxer .....	305,476	0	0	0	0
Breaux .....	66,941	0	0	0	0
Brownback .....	50,118	0	0	0	0
Bryan .....	43,209	0	0	0	0
Bunning .....	63,969	0	0	0	0
Burns .....	34,375	0	0	0	0
Byrd .....	43,239	0	0	0	0
Campbell .....	65,146	0	0	0	0
Chafee, Lincoln ...	34,703	0	0	0	0
Cleland .....	97,682	0	0	0	0
Cochran .....	51,320	0	0	0	0
Collins .....	38,329	0	0	0	0
Conrad .....	31,320	24,399	0.03820	\$4,860.16	\$0.00761
Coverdell .....	97,682	0	0	0	0
Craig .....	36,491	5,291	0.00526	4,179.01	0.00415
Crapo .....	36,491	2,344	0.00233	2,135.37	0.00212
Daschle .....	32,185	0	0	0	0
DeWine .....	131,970	0	0	0	0
Dodd .....	56,424	0	0	0	0
Domenici .....	42,547	0	0	0	0

#### SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 03/31/00—Continued

Senators	FY2000 official mail allo- cation	Total pieces	Pieces per cap- ita	Total cost	Cost per capita
Dorgan .....	31,320	1,033	0.00162	824.74	0.00129
Durbin .....	130,125	0	0	0	0
Edwards .....	103,736	0	0	0	0
Enzi .....	30,044	0	0	0	0
Feingold .....	74,483	0	0	0	0
Feinstein .....	305,476	0	0	0	0
Fitzgerald .....	130,125	0	0	0	0
Frist .....	78,239	0	0	0	0
Gorton .....	81,115	0	0	0	0
Graham .....	185,464	0	0	0	0
Gramm .....	205,051	2,478	0.00015	1,953.07	0.00012
Grassley .....	69,241	73,933	0.01690	39,859.74	0.00911
Gregg .....	52,904	0	0	0	0
Hagel .....	36,828	0	0	0	0
Harkin .....	40,964	147,000	0.09313	25,935.25	0.01643
Hatch .....	52,904	0	0	0	0
Helms .....	42,413	0	0	0	0
Hollings .....	103,736	0	0	0	0
Hutchinson .....	62,273	0	0	0	0
Hutchinson .....	51,203	0	0	0	0
Inhofe .....	205,051	0	0	0	0
Inouye .....	58,884	0	0	0	0
Jeffords .....	35,277	0	0	0	0
Johnson .....	31,251	14,260	0.02534	3,874.66	0.00689
Jones .....	32,185	646	0.00093	606.59	0.00087
Kennedy .....	82,915	0	0	0	0
Kerry .....	40,964	0	0	0	0
Kerry .....	82,915	1,109	0.00018	261.74	0.00004
Kohl .....	74,483	0	0	0	0
Kyl .....	71,855	0	0	0	0
Landrieu .....	66,941	0	0	0	0
Lautenberg .....	97,508	0	0	0	0
Leahy .....	31,251	14,714	0.02615	5,939.97	0.01056
Levin .....	114,766	0	0	0	0
Lieberman .....	56,424	0	0	0	0
Lincoln .....	51,203	0	0	0	0
Lott .....	51,320	39,083	0.01518	6,428.68	0.00250
Lugar .....	80,377	0	0	0	0
Mack .....	185,464	0	0	0	0
McCain .....	71,855	0	0	0	0
McConnell .....	63,969	0	0	0	0
Mikulski .....	73,160	2,289	0.00048	496.12	0.00010
Moynihan .....	184,012	0	0	0	0
Murkowski .....	31,184	0	0	0	0
Murray .....	81,115	0	0	0	0
Nickles .....	58,884	0	0	0	0
Reed .....	34,703	16,164	0.01611	4,708.58	0.00469
Reid .....	43,209	0	0	0	0
Robb .....	89,627	0	0	0	0
Roberts .....	50,118	0	0	0	0
Rockefeller .....	43,239	39,900	0.02225	7,100.75	0.00396
Roth .....	32,277	0	0	0	0
Santorum .....	139,016	0	0	0	0
Sarbanes .....	73,160	0	0	0	0
Schumer .....	184,012	0	0	0	0
Sessions .....	68,176	0	0	0	0
Shelby .....	68,176	0	0	0	0
Smith, Gordon .....	58,557	0	0	0	0
Smith, Robert .....	36,828	0	0	0	0
Snowe .....	38,329	0	0	0	0
Specter .....	139,016	0	0	0	0
Stevens .....	31,184	0	0	0	0
Thomas .....	30,044	1,505	0.00332	1,218.04	0.00269
Thompson .....	78,239	0	0	0	0
Thurmond .....	62,273	0	0	0	0
Torricelli .....	97,508	1,304	0.00017	360.95	0.00005
Voinovich .....	131,970	800	0.00007	168.13	0.00002
Warner .....	89,627	0	0	0	0
Wellstone .....	69,241	707	0.00016	570.46	0.00013
Wyden .....	58,557	0	0	0	0
Totals .....	7,594,942	388,959	0.26790	111,482.01	0.07332

#### THE CLINTON-GORE ADMINISTRATION'S PROPOSALS TO INVEST SOCIAL SECURITY INTO PRIVATE MARKETS

Mr. ASHCROFT. Mr. President, I note with interest Vice President GORE's recent attacks on Governor Bush's comments regarding Governor Bush's thoughts on Social Security reform. In dismissing the Governor's suggestions regarding Social Security reform, Vice President GORE denied that the Clinton-Gore Administration ever proposed the dangerous idea of having the government invest Social Security surpluses in the stock market. According to the May 2, 2000 Washington Post, the Vice President claimed that the administration never made any such proposal, saying "We didn't really propose it."

I find it surprising that the Vice President made this denial, especially since the Clinton-Gore administration has indeed made this proposal, and done so a number of times. First, on January 19, 1999, with the Vice President right behind him, President Clinton said in his State of the Union Address, and I quote, "Specifically, I propose that we commit 60 percent of the budget surplus for the next 15 years to Social Security, investing a small portion in the private sector, just as any private or state government pension would do."

Just a few weeks later, the Clinton-Gore FY 2000 budget said quite clearly, on page 41, that "The Administration proposes tapping the power of private financial markets to increase the resources to pay for future Social Security benefits. Roughly one-fifth of the unified budget surplus set aside for Social Security would be invested in corporate equities or other private financial instruments."

When I read this proposal, I was extremely concerned and proposed an amendment to the FY 2000 Budget Resolution that would express the Sense of the Senate that the government should not invest Social Security funds in the stock market. My amendment passed the Senate unanimously. After this resounding statement by the Senate, I hoped that we had laid the risky scheme to have the government invest Social Security funds in the stock market to rest.

Despite the fact that we had sent the clearest possible signal on this issue, the Clinton-Gore administration apparently did not get the message. On page 37 of the Clinton-Gore administration's FY 2001 budget, they resurrected this risky scheme to have the government invest the Social Security dollars in the stock market, saying, "The President proposes to invest half the transferred amounts in corporate equities." The only concession that the Clinton-Gore administration appeared to make was writing this unpopular proposal in smaller type than last year.

In response to this repeated proposal, I once again submitted an amendment to the Budget Resolution expressing the Sense of the Senate that the federal government should not invest the Social Security trust fund in the stock market. Once again this amendment passed with no votes in opposition.

The Senate has twice unanimously passed an amendment rejecting the idea of having the government invest the trust fund in the stock market. I am pleased that the Vice President now agrees with us, but I find it curious that he has failed to notice that it is his administration that has repeatedly suggested this risky scheme.

The Clinton-Gore administration's repeated attempts to implement this plan violates U.S. law. For more than 60 years Social Security law has forbidden the trust funds from being invested in the stock market. This new scheme is directly contrary to six decades of U.S. policy on Social Security.

In addition to the Senate and long-standing U.S. government policy opposing government investment of the trust funds in the stock market, Federal Reserve Board Chairman Alan Greenspan opposes the idea as well. Chairman Greenspan says that investing Social Security funds in the market is bad for Social Security and bad for our economy.

When Alan Greenspan talks, the Clinton-Gore administration ought to listen. Chairman Greenspan has said this plan "will create a lower rate of return for Social Security recipients," and he "does not believe that it is politically feasible to insulate such huge funds from a governmental direction."

In addition to these other concerns, I am also listening to the concerns of Missourians. Last year I received a letter from Todd Lawrence of Greenwood, Missouri, who wrote: "It has been suggested that the government would invest in the stock market with my Social Security money. No offense, but there is not much that the Government touches that works well. Why would making MY investment decisions for me be any different. Looking at it from a business perspective, would the owner of a corporation feel comfortable if the government were the primary shareholder?"

Todd Lawrence understands what the Clinton-Gore administration does not. No corporation would want the government as a shareholder, and no investor should want the government handling their investment.

Even if the government were able to invest without adding new levels of inefficiency to the process, the government's putting Social Security taxes in the stock market adds an unacceptable level of risk to retirement. This risk is a gamble I am unwilling to make for the one million Missourians who get Social Security.

It is hard to overestimate how dangerous this scheme really is. While individuals properly manage their financial portfolios to control risk, the government has no business taking these gambles with the people's money.

Just recently, the Microsoft case gave us a chilling illustration of the potential conflicts of interest caused by the President's proposal. If the government had invested Social Security funds in the stock market, the anti-trust suit against Microsoft would have put those funds at risk. Whatever one may think of the wisdom of the case, we do not want the federal government making law enforcement decisions based on government's stock portfolio.

While Americans should invest as much as they can afford in private equities to plan for their own retirements, the government should stay out of the stock market. I am glad that the Vice President has finally recognized that having the government invest the trust fund in the stock market, but I wish that he would remember that his administration has been the most vocal proponent of this bad idea. If the federal government tried to pick market

winners and losers, all of us would end up as losers.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 8, 2000, the federal debt stood at \$5,662,693,356,964.51 (Five trillion, six hundred sixty-two billion, six hundred ninety-three million, three hundred fifty-six thousand, nine hundred sixty-four dollars and fifty-one cents).

Five years ago, May 8, 1995, the federal debt stood at \$4,856,503,000,000 (Four trillion, eight hundred fifty-six billion, five hundred three million).

Ten years ago, May 8, 1990, the federal debt stood at \$3,080,170,000,000 (Three trillion, eighty billion, one hundred seventy million).

Fifteen years ago, May 8, 1985, the federal debt stood at \$1,744,562,000,000 (One trillion, seven hundred forty-four billion, five hundred sixty-two million).

Twenty-five years ago, May 8, 1975, the federal debt stood at \$512,942,000,000 (Five hundred twelve billion, nine hundred forty-two million) which reflects a debt increase of more than \$5 trillion—\$5,149,751,356,964.51 (Five trillion, one hundred forty-nine billion, seven hundred fifty-one million, three hundred fifty-six thousand, nine hundred sixty-four dollars and fifty-one cents) during the past 25 years.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MARVIN FIFIELD

• Mr. HATCH. Mr. President, next month, friends, associates and colleagues will gather at Utah State University to honor Mr. Marvin G. Fifield, a remarkable man whose entire professional career has been devoted to improving the lives of those with learning or developmental disabilities. While I stand in tribute to my friend of many years, it is his body of work over the span of forty-four years that does him honor.

At his retirement on July 1, Dr. Fifield will have served as the founder and Director of the Center for Persons with Disabilities for thirty-three years. He wrote the grant application, saw it funded, and directed the creation of the center. But it is not the Center alone that owes its existence to Dr. Fifield. Over a thirty year period, he succeeded in writing, achieving the approval and funding for over fifty projects, with combined grants exceeding \$60 million. Without his skilled direction, numerous regional mental health centers, rehabilitation and vocational services, studies and workshops would not now be available. The Navajo Initiative in the Developmental Disabilities program, the Indian Children's Program, and the Native American Initiative program all owe their start to this man.

Dr. Fifield's chairmanship and membership in professional and community

service organizations bridges more than three decades and forty organizations. To this day he chairs or serves on eight boards, including serving as Chairman of the Hatch Utah Advisory Committee on Disability Policy. He also serves on the innovative Assistive Technology Work Group. Marv was the first to champion assistive technologies for people with disabilities—or at least I think he was the first because he was the first to tell me about this exciting field. Assistive technology comprises all devices that improve the functional capabilities of those individuals with disabilities.

Marv Fifield is so accomplished that his curriculum vitae is not so much measured in pages as in pounds.

In academe, an individual's worth is often measured by how widely they have been published. Dr. Fifield has published seventeen books, chapters in books, or monographs; he has published twelve refereed journal articles and seven non-referenced journal articles; he has published seven technical papers; he has submitted ten testimonies and reports to congressional and Senate subcommittees; published twenty-three final reports and research reports; authored eleven instructional products, and has authored ninety-one selected unpublished conference papers.

Dr. Fifield has been a consultant to both national and international organizations including the World Health Organization. Among the richly deserved honors bestowed upon him, he is the recipient of the Leone Leadership Award, the highest honor an administrator can receive. He was presented the Maurice Warshaw Outstanding Service Award by the Governor of the State of Utah and was twice called to serve as a staff member on the Labor and Human Resources Committee.

Since 1981, Marv Fifield has provided leadership for my Utah Advisory Committee on Disability Policy. The Disability Advisory Committee has become a model for encouraging constructive dialogue among diverse interests and points of view. The committee has often been able to develop consensus recommendations, which have helped me a great deal over the years. I am most grateful to Marv for all his efforts with the committee.

I want to wish him well as he enters the next chapter in his already full life. I hope he will find retirement rewarding. But, if he thinks he can escape consulting with me and those in Utah who rely on his quiet and good-natured leadership to achieve consensus on matters of importance in disability policy, he can forget it. I am here to announce that we are not letting him off the hook. We need the benefit of Marv's knowledge, his humor, and his diplomacy to help us continue moving forward.

So, Mr. President, I rise today to pay a well-deserved tribute to Dr. Marvin Fifield. But, I am not bidding him farewell. On the contrary, I will be calling



on him often for the same solid advice and counsel he has given to us for so many years.

The lives of countless thousands of disabled and disadvantaged citizens have been enriched as a result of Marvin Fife's work. As a result, our nation will benefit for generations to come. It is a privilege to honor him today. I am proud to call him a friend.●

#### SALUTE TO WE THE PEOPLE STUDENTS

● Mr. DORGAN. Mr. President, over the past several days, more than 1,200 students from across the United States are in Washington to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from Wyndmere High School from Wyndmere, North Dakota represents my state in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The names of these students are: Brian Boyer, Mandy David, Julie Dotzenrod, Elizabeth Foertsch, Alissa Haberman, Lindsey Heitkamp, Lori Heitkamp, Daniel Hodgson, Jesse Nelson, Kari Schultz, Amy Score, John Totenhagen, and Bobbi Ann Ulvestad. I would also like to recognize their teacher, Dave Hodgson, who deserves much of the credit for the success of the class, Phil Harmeson, North Dakota's dedicated state coordinator, district coordinator Dan Vainonen, and Kirk Smith, who serves as a judge for this year's competition.

One of the most memorable experiences of my life was when I was one of 55 people chosen to represent all Americans at a ceremony in the Assembly Room in Constitution Hall in Philadelphia to commemorate the 200th anniversary of the writing of the Constitution. Our Constitution was written by 55 white men, including some of the most revered men in our nation's history. In the Assembly Room, George Washington's chair is still sitting at the front of the room where he presided over the Constitutional Convention, along with Ben Franklin and James Madison.

Two hundred years later, the gathering was noticeably different—this time it was 55 men, women, minorities. I got chills sitting in this room because I had studied in a very small school the history about Ben Franklin, Madison, Mason, George Washington—just like those students participating in the We the People . . . program are doing now—and there I was sitting in the very room where they wrote the Constitution of the United States.

I wish every American could have the same opportunity to visit Constitution Hall the way I did, but at the very least, every young American student

should learn about the history and importance of our Constitution and the Bill of Rights. The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. Columnist David Broder described the national finals as "the place to have your faith in the younger generation restored."

The class from Wyndmere High School has worked hard to become "constitutional experts," and on behalf of my fellow North Dakotans and my colleagues in the Senate, I want them to know we are proud of their hard work and dedication.●

#### RECOGNIZING NATIONAL EMS WEEK

● Mr. GRAMS. Mr. President, almost one year ago today, I came to the floor of the Senate to recognize a very important group of individuals: Emergency Medical Services (EMS) personnel.

I would like to take some time again this year to applaud the selfless efforts of the men and women who dedicate themselves to such a worthy cause day in and day out. For most of us, it is hard to imagine going to work every day not having any idea what kind of tragic situations we may encounter or what kinds of dangers we might face. These dedicated individuals overlook these challenges every day and often imperil themselves to help those in need of medical attention.

Unfortunately, especially given the important work they do, this group often goes unrecognized. I rise today in support of National EMS Week and want to recognize EMS personnel by celebrating their selfless efforts with thanks and gratitude. My praise comes early; while National EMS Week is observed during the third week in May, I felt it necessary to make these remarks today, as many EMS personnel will be honored this evening at a special reception held here in Washington, DC.

Mr. President, this year's National EMS Week theme, "New Century, New Hope," encourages a forward-looking, optimistic approach to identifying and meeting newly emerging community challenges. EMS is a complex, integrated system of personnel in both ambulances and hospitals that provides excellent care in emergency medical situations by affecting safe and efficient transport and treatment until more advanced medical care can be delivered. Importantly, EMS also includes the person who recognizes an emergency and summons help through a phone call to 9-1-1. This is the beginning of a very important chain of communication and care, which results in saved lives.

During both the 105th and 106th Congresses, I have come to the floor of the Senate to introduce the Emergency

Medical Services Efficiency Act, S. 911. This bill was a product of the Emergency Medical Services Advisory Committee that I formed in 1997 to evaluate some of the problems facing EMS providers. Because I believe there is an overriding public health interest in ensuring a viable and seamless EMS system, I continue to pursue passage of S. 911.

This legislation attempts to create acceptable government standards for EMS providers and allows expansion in the next century to enable providers to better serve their local communities. A first priority included in my bill is for "prudent layperson" language to accompany the approval of EMS services under many medical plans, especially Medicare. One of the most fiscally disruptive forces is the denial of emergency transport due to a physician's reevaluation of what "seemed" critical and is later labeled as being "medically unnecessary." Portions of this legislation have already been approved by the Senate. In addition, S. 911 calls for EMS providers to play a role in the process of providing recommendations on how federal regulatory policy is made. I think this makes sense, and most importantly, it gives EMS providers a clear voice in identifying and finding a solution to the most challenging aspects of critical care delivery.

On an annual basis, the American Ambulance Association recognizes EMS personnel from around the country for their selfless contributions to their profession, and presents them with the Star of Life Award. This year, 94 individuals were chosen by their peers to receive this prestigious award. I would like to personally thank those honorees for their service, and commend them on the respect they have generated for themselves and their profession amongst their peers and the public.

Again, I would like to applaud the efforts of all EMS personnel. They have the sometimes unenviable task of cleaning up the messes that life affords every community, but they do it with pride and they do it well. I plan to do everything in my power to provide these individuals with the additional tools and loud voice that they have earned through their devotion to our local communities.

Mr. President, I ask that the names of the year 2000 American Ambulance Association's Star of Life honorees be printed in the RECORD.

The list of honorees follows:

AMERICAN AMBULANCE ASSOCIATION—2000  
STARS OF LIFE

Dub Morris, Columbia County Ambulance Service, AZ.

Barbara K. Clark, Rural/Metro—Southwest Ambulance, AZ.

David Stockton, Rural/Metro—Southwest Ambulance, AZ.

David Atkins, American Medical Response, CA.

Rachelle Byler, American Medical Response, CA.

Bert DeMello, American Medical Response, CA.

Dennis Flannery, American Medical Response, CA.  
 Darlene Heitman, American Medical Response, CA.  
 Noella Lelham, American Medical Response, CA.  
 Brian Pounds, American Medical Response, CA.  
 Dennis G. Smith, American Medical Response, CA.  
 Sheri Burcham, American Medical Response, CO.  
 Michael Harvey, American Medical Response, CO.  
 Jeffery Adams, American Medical Response, CT.  
 Brooke Liddle, American Medical Response, FL.  
 Pagona Pratt, American Medical Response, FL.  
 Terri L. Brown, American Medical Response, GA.  
 Bradley A. Melone, Mid Georgia Ambulance, GA.  
 Lisa D. Scott, Rural/Metro Ambulance, GA.  
 Danny Sagadraca, American Medical Response, HI.  
 David Cole, Iowa EMS Association, IA.  
 Wendy L. Hackett, MEDIC EMS, IA.  
 Christine A. Hartley, Lee County EMS Ambulance, Inc., IA.  
 Sandy Neyen, Iowa EMS Association, IA.  
 Jim B. Steffen, Henry County Health Center EMS, IA.  
 Andrew D. Stevens, MEDIC EMS, IA.  
 Dan R. Walderbach, Henry County Health Center EMS, IA.  
 Darin E. Longanecker, American Medical Response, IL.  
 Daren T. Pfeifer, American Medical Response, KS.  
 Michael Moree, Acadian Ambulance & Air Med Services, LA.  
 Annette V. Mouton, Med Express Ambulance Service, Inc., LA.  
 Jamie L. Richaud, Med Express Ambulance Service, Inc., LA.  
 Joan Savoy, Priority Mobile Health, LA.  
 Mary Williams, Priority Mobile Health, LA.  
 Jamie J. Crawford, Lyons Ambulance Service, MA.  
 Robert McDevitt, Action Ambulance, MA.  
 Donna L. Moore, Lyons Ambulance Service, MA.  
 James Scolforo, American Medical Response, MA.  
 Alfred Theirrien, American Medical Response, MA.  
 Gary Wright, Action Ambulance, MA.  
 David L. Janey, Rural Metro Corporation, MD.  
 Cindy Walker, American Medical Response, ME.  
 Mandy Argue, American Medical Response, MI.  
 Bryan A. Fuller, American Medical Response, MI.  
 Steve Hazucka, Medstar Ambulance, MI.  
 Scott Hicks, Medstar Ambulance, MI.  
 Joseph Horvath, Huron Valley Ambulance, MI.  
 Robert Martin, American Medical Response, MI.  
 Wayne H. Mervau, North Flight, Inc., MI.  
 Judy Pearson, American Medical Response, MI.  
 Jack Taylor, Life EMS, MI.  
 Robert Atzenhoefer, Gold Cross Ambulance, MN.  
 Richard P. Humble, Metropolitan Ambulance Service Trust, MD.  
 Scott Wolf, Metropolitan Ambulance Service Trust, MD.  
 Jimmy H. Gill, American Medical Response, MS.  
 Martha A. Branden, Mecklenburg EMS Agency, NC.

Rolanda L. Collins, American Medical Response, NC.  
 Littlejohn Goodwin, Mecklenburg EMS Agency, NC.  
 Patricia Graham, Medical Transportation Specialists, Inc., NC.  
 John R. Tompkins, Mecklenburg EMS Agency, NC.  
 Lee M. Van Vleet, FirstHealth of the Carolinas, NC.  
 James G. White, FirstHealth of the Carolinas, NC.  
 Darin B. Haverland, F-M Ambulance Service, ND.  
 David Lacaillade, Rockingham Regional Ambulance, Inc., NH.  
 Sylvia Riley, Rockingham Regional Ambulance, Inc., NH.  
 Earl F. Gardner Jr., Med Alert Ambulance, Inc., NJ.  
 John E. Romano, Rural/Metro Ambulance, NJ.  
 Charlene Ortega, Living Cross Ambulance Service, Inc., NM.  
 Patricia Beckwith, American Medical Response, NV.  
 Robert E. Mann, Rural/Metro, NY.  
 James Poole, Mohawk Ambulance Service, NY.  
 Gaye Buckingham, Stofcheck Ambulance Service, OH.  
 Roger Meir, Rural metro Ambulance, OH.  
 Randy W. Benetti, Sr., Rural/Metro Fire Department, OR.  
 Brett Gnau, Pacific West Ambulance, OR.  
 Joseph D. Hyatt, Rural/Metro Fire Department, OR.  
 Kevin Lambert, Metro West Ambulance, OR.  
 Paul Martin, American Medical Response, OR.  
 Zane McKnight, Oregon State Ambulance Assn. & Medix Ambulance, OR.  
 Timothy Blackston, Cetronia Ambulance Corps., PA.  
 James Ralston, Rural/Metro Medical Services, PA.  
 Wonda C. Pickler, Rural/Metro—Mid South, TN.  
 Cheryl Barrett, Life Ambulance Services, Inc., TX.  
 Michael DeBerry, LifeNet EMS, TX.  
 Ben Kruse, American Medical Response, TX.  
 Paul M. Rogers, Rural/Metro—MedStar, TX.  
 Daniel L. Evans, Gold Cross Service, UT.  
 Ryan D. Pyle, Gold Cross Service, UT.  
 James D. Stevens, Gold Cross Service, UT.  
 Lauren C. Challis, American Medical Response, VA.  
 Colleen Gilman, Regional Ambulance Service, Inc., VT.  
 Bradley C. Derting, American Medical Response, WA.  
 Ron Stewart, Rural/Metro Ambulance, WA.  
 Laurie Whitfield, American Medical Response—Pathways, WI.●

#### RETIRING CLARK COUNTY SUPERINTENDENT OF SCHOOLS

● Mr. REID. Mr. President, on Friday, May 12, 2000, Nevadans will pause to honor the outstanding achievements and retirement of Clark County Superintendent of Schools, Dr. Brian Cram. Throughout his 34 years as an educator, Dr. Cram has touched the lives of hundreds of thousands of youth in the Las Vegas Valley as a teacher, assistant principal, principal, assistant superintendent and superintendent, all within the Clark County School District. He is retiring after serving more

than eleven years as superintendent. The fact that his tenure has been approximately nine years longer than the average for a superintendent demonstrates his excellence and commitment to our community Southern Nevada.

Dr. Cram can be appreciated most for his outstanding management of the fastest growing school district in the country. During his tenure, the district has grown from 111,000 to more than 215,000 students, and is currently the eighth largest school district in the country. Dr. Cram is a self-proclaimed "poster boy for school bonds," having successfully secured billions of dollars for the construction of more than 100 new schools for the students, teachers and staff of the Clark County School District. He recently was successful in obtaining voter approval of school construction funding for the next ten years, a legacy that will carry on well beyond his tenure. This achievement takes on added significance when one considers that Nevada, as my Senate colleagues have heard me state on numerous occasions, must build approximately one school a month just to keep up with the unprecedented growth in the Silver State.

Although he spent many years in administration, Dr. Cram has always been happiest when working with children. He has never been one to sit behind a desk, preferring instead to be out working with children, families and staff. His tenure as superintendent will be characterized by strong personal relationships with the students, teachers, families and employees of the school district and the entire community.

Above all, Dr. Cram is a true believer in the value of education. He hails from a home which stressed the importance of sound learning and lifelong education, and he has been driven by a fundamental belief that education is the great equalizer and provider in life.

It is my distinct pleasure and honor to join all Nevadans in wishing Dr. Brian Cram all the best upon his retirement. His genuine commitment of the youth of Nevada will be appreciated for many generations to come.●

#### TRIBUTE TO DANIEL AZZIZE SAMUEL

● Mr. WARNER. Mr. President, I rise today to recognize an outstanding young Virginian, Daniel Azzize Samuel, who has been selected to receive the 2000 American Automobile Association Lifesaving Medal. This award is the highest honor given to members of the school safety patrol.

Daniel is a member of the Kent Gardens School Safety Patrol in McLean, Virginia. On January 12th of this year, he was on his way to his post when he saw an eight-year-old student running back toward his departing bus. Quickly sizing up the danger, Daniel yelled at the student to stop. The bus driver also heard Daniel's yells and stopped the

bus, a mere three feet from the oncoming student who was approaching in the driver's blind spot.

I salute Daniel and the other young recipients of this year's award, Daniel Rogers of Maryland and Greg Lawson and Tasha Tanner of Ohio, for their lifesaving contributions to the safety of their fellow students. As members of their school safety patrols, these young people have made invaluable contributions to their schools and communities. I also commend the American Automobile Association for their sponsorship of this valuable program to keep our nation's young people safe on their trips to and from school.●

#### REBIRTH FOR RUTLAND'S PARAMOUNT THEATER

● Mr. LEAHY. Mr. President, on Saturday, March 18, the Paramount Theater opened its doors to the Rutland community for the first public performance on its stage in nearly 20 years. This was a memorable night for Vermonters who had the opportunity to see Arlo Guthrie perform with the Vermont Symphony Orchestra. This grand reopening also marked the successful completion of an important and historic restoration project.

The Paramount Theater is a Vermont treasure that was an icon of downtown Rutland from the time it first opened its doors in 1914 to the day those doors closed in 1981. Founded by Rutland businessman George T. Chaffee, the Chaffee Playhouse served as a venue for the entertainers of the day, allowing Rutland area residents the opportunity to see the likes of Will Rogers, the Marx Brothers and Harry Houdini, among many others. As motion pictures moved into the spotlight in the 1930s, Chaffee's Playhouse was taken over by Paramount and became known as the Paramount Movie House.

Then times changed, and after years of screening movies for fewer and fewer patrons, the Paramount closed its doors to the public in 1981. The ornate theater that had once served as a centerpiece for the Rutland arts and social scenes had become only a fond memory for those whose lives it had affected.

Now times have changed again, and over the past several years, downtown Rutland has undergone remarkable growth and revitalization. As the downtown community began to bustle with more and more visitors, local residents and merchants felt the time had come to reopen the doors of the old Center Street theater.

Coming up with a good idea is often the easy part of a project. Finding a way to turn that idea into reality can be a much larger task. That was the case with the project to reopen the Paramount Theater, which required significant renovation and restoration. Through the tireless efforts of community leaders, a major fund raising effort was launched with contributions from individuals and local businesses, with grants also from the state and

federal governments. More than 1500 people made personal contributions toward the renovation project. My colleague, Senator JEFFORDS, took the lead in making the case for the federal contribution, and I was pleased to support that effort.

Nearly 20 years after it closed, and after more than \$3.5 million in construction and renovation, the Paramount Theater has been restored to the beauty and splendor enjoyed by those Vermonters who attended its original opening night on January 15, 1914. The reopening of the Paramount Theater now will serve the Rutland community's need for an arts center, and, for new generations of Vermonters, it will once again be a focal point for the social life of a vibrant community.●

#### TAIWANESE-AMERICAN HERITAGE WEEK

● Mr. TORRICELLI. Mr. President, this month I join people in New Jersey and throughout the nation in celebrating Pacific-American Heritage Month. The Pacific-American community represents an important part of America's future and I applaud their proud celebration of heritage and community.

Taiwanese-American Heritage Week, from May 7 to May 14, celebrates the unique and diverse contributions of the more than 500,000 Taiwanese-Americans in the United States. These Americans have played a significant role in our nation's life and their countless accomplishments can be found in every facet of American society. For instance, Taiwanese-Americans have succeeded as notable artists, Nobel Laureate scientists, researchers, human rights activists, and business leaders.

In addition to recognizing these contributions, this is an excellent opportunity to celebrate the success of democracy on the island of Taiwan. Since 1987, the Taiwanese people have possessed the rights to select their own leaders, practice the religion of their choice, and express their thoughts openly and freely. Taiwan is a vibrant and democratic participant in the family of nations.

The election on March 18 of opposition leader Chen Shui-bian as president, and my friend Annette Lu as vice-president, represents the crowning achievement of the struggle of the people of Taiwan for full-fledged democracy and freedom. While Taiwan has established a model democracy, there remain political challenges. Gaining worldwide recognition of the legitimacy of Taiwan's government is paramount. With all that Taiwanese and Taiwanese-Americans have accomplished there is still more work to be done before Taiwan's status and global contributions are properly respected and appreciated.

Mr. President, Taiwanese-American Heritage Week recognizes the long-standing friendship between the United

States and Taiwan. I commend the great accomplishments and contributions of the Taiwanese-American community.●

#### RECOGNIZING NATIONAL HOSPITAL WEEK

● Mr. GRAMS. Mr. President, I rise today to praise the work of Minnesota's hospitals and those across America as we recognize National Hospital Week. This year's theme, "Touching The Future With Care," focuses on the heart of the hospital system: its people. For those Minnesota doctors, nurses, administrators, and volunteers who consistently provide the highest level of quality health care in America, I commend your selfless efforts. You are very deserving of our recognition here today.

Hospitals are open 24 hours a day, 365 days a year, providing their communities with around-the-clock health care services. In my own state of Minnesota, 142 hospitals and 22 different health care systems provide Minnesotans with one of the most efficient and effective health care systems in the United States. This is not a result of mere chance. Rather, it is the combined efforts of our health care professionals—those men and women who devote themselves to the delivery of timely, quality health care, when and where it is needed.

As we all know, American hospitals have faced severe challenges over the last several years due to rapidly declining reimbursement rates under Medicare. The Balanced Budget Act of 1997 made dramatic changes to the payment rates to hospitals, clinics, nursing homes, and individual providers. In fact, Medpac, Congress' Medicare Payment Advisory Commission, reported that profit margins for hospitals across the country dropped nearly 40 percent between 1998 and 1999. This is the lowest level in 20 years. And to add insult to injury, the Congressional Budget Office reported that Medicare payments, which serve as one of the largest revenue sources to hospitals, would realize a 62% decrease over the next five years. Clearly, in an industry that is already running on fumes, we cannot afford to cut deeper into the margins of hospitals and simply hope that they will be able to absorb the added losses and continue to provide the quality health care that we expect.

Last year, in an effort to reduce some of this burden, Congress attempted to address the problem with the 1999 Balanced Budget Refinement Act. This legislation restored some of the drastic cuts called for in 1997, and provided relief in payments for outpatient services. This effort has already made a measurable difference and has enabled many hospitals and other providers to remain in business. Yet, this is only half the problem.

The Balanced Budget Refinement Act addressed outpatient care provided by hospitals, and now, through legislation

I cosponsored earlier this year called the American Hospital Preservation Act, we are addressing inpatient services. This is the other half of the equation. The American Hospital Preservation Act will help restore the scheduled 1.1 percent reduction in the inflation rate adjustment for in-patient services for years 2001 and 2002. Most importantly, this legislation will allow hospitals to better keep up with rapid increases in health-related costs.

Mr. President, we in Congress have a big task ahead of us. We need to remain steadfast in our commitment to these institutions and complement the efforts of the people who devote so much of themselves to saving and preserving the lives of others. National Hospital Week exists so that we may remember and recognize the efforts of these organizations, and more importantly, the people who work within them. I am proud of the level of quality health care that is provided through our city and rural hospitals in Minnesota, and I am going to continue to do all I can to help preserve the integrity of these institutions on which we all rely.●

#### IN RECOGNITION OF SAUL B. KATZ

● Mr. SCHUMER. Mr. President, I rise today in recognition of Saul B. Katz; an outstanding member of the New York health care community.

Mr. Katz has the distinction of serving as the first Chairman of the Board of Trustees of the North Shore—Long Island Jewish Health System. After serving in various leadership capacities within the health system for over a decade, Mr. Katz led the development of a system that now includes 13 hospitals, 2 skilled nursing centers and numerous ambulatory programs which span across the New York Metropolitan area.

As Co-founder, President and Chief Operating Officer of Sterling Equities, Inc., a diversified investment and operating company, Mr. Katz was a member of the governing Board of the Community Hospital of Glen Cove, which became North Shore University Hospital at Glen Cove in 1989. Mr. Katz served as the First Vice President of the Board of Trustees, as well as a member of the Finance, Planning, Development and Building committees.

In addition, Mr. Katz serves as a Director, Trustee and Member of numerous trade and charitable organizations including the Jewish Association for Services for the Aging, the Brooklyn College Foundation and the Federation of Jewish Philanthropies of New York.

The Katz family is a close-knit one. Saul and his wife Iris have enjoyed 40 years of marriage and spend as much time as they can with their grown children and their spouses: Heather Katz Knopf and Dan Knopf, Natalie Katz D'Amore and Al D'Amore and David Katz. Iris and Saul recently celebrated the arrival of their first grandchild Carly Frances Knopf.

The North Shore—Long Island Health System will certainly miss the exemplary leadership that Mr. Katz provided all these years and I applaud the significant improvements he has made to the state of health care in the New York Metropolitan area.

Finally, I would like to congratulate Mr. Katz on his retirement from the Board and wish him and his family well in his golden years.●

#### RETIREMENT OF DIANE RODEKOH

● Mr. ENZI. Mr. President, I wanted to take this opportunity to express the heartfelt appreciation and gratitude I feel, along with my staff and my wife Diana, for the hard work and determined effort Diane Rodekohr has given the Senate and my office over these past few years. If not for Diane, or Dee as she is known to her friends, we just could not have accomplished as much for the people of Wyoming as we have been able to do since my election to the Senate four years ago.

When Diana and I arrived in Washington ready to take on this new adventure in our lives, knowing we already had staff in place with experience who were committed to me and to Wyoming made all the difference. The continuity that I benefitted from having a seasoned staff helped to make a transition that was better than smooth—it was almost seamless.

I'll always be grateful to Dee for staying on as State Director when she could have ridden off into the sunset to enjoy her well deserved retirement. Instead she stayed with me and with Wyoming and continued to make a difference for me, for my constituents, and for her fellow staff members who continued to look to her for her sage advice, counsel and support.

Now she has made a decision to turn her attention to tending different areas of the garden of her life. I hope she fully enjoys whatever challenges await her. The Bible tells us that "to everything there is a season"—and this is the season for Dee to enjoy her life to the fullest! May God continue to bless and watch over her. My wife, Diana, my staff and the people of Wyoming join in sending our best wishes to her for a life full of continued joy and happiness. Dee, you have truly earned that and so much more!●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

##### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 2:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1237. An act to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

H.R. 3069. An act to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

H.R. 3577. An act to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 89. Concurrent resolution recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage.

The message further announced that pursuant to Senate concurrent resolution 89, 106th Congress, the Speaker has appointed the following Members of the House to the Joint Congressional Committee on Inaugural Ceremonies: Mr. HASTERT of Illinois, Mr. ARMEY of Texas, and Mr. GEPHARDT of Missouri.

#### MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1237. An act to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3069. An act to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia; to the Committee on Governmental Affairs.

H.R. 3577. An act to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 89. Concurrent resolution recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage; to the Committee on Energy and Natural Resources.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-8864. A communication from the Comptroller General, transmitting an updated compilation of historical information and statistics regarding rescissions proposed by the executive branch and rescissions enacted by the Congress through October 1, 1999; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Appropriations; and the Budget.

EC-8865. A communication from the Secretary of the Air Force, transmitting, pursuant to law, the report of unit cost breaches for two Air Force Major Defense Programs; to the Committee on Armed Services.

EC-8866. A communication from the Secretary of Defense, Force Management Policy, transmitting, pursuant to law, a report entitled "Military Child Care: Meeting Extended and Irregular Duty Requirements"; to the Committee on Armed Services.

EC-8867. A communication from the Office for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-8868. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$14,000,000 or more to Greece; to the Committee on Foreign Relations.

EC-8869. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Separation from Service and Same Desk Rule" (Rev. Rul. 2000-27), received May 5; to the Committee on Finance.

EC-8870. A communication from the President of the United States of America, transmitting, pursuant to law, a report concurring with the findings of the Secretary of Commerce in his report entitled "The Effect on the Natuinal Security of Imports of Crude Oil and Refined Petroleum Products"; to the Committee on Finance.

EC-8871. A communication from the Financial Management Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled "Regulations Governing FedSelect Checks, 31 CFR Part 247" (RIN1510-AA44), received April 18, 2000; to the Committee on Finance.

EC-8872. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Evaluation of the Community Nursing Organization Demonstration—Final Report", dated April 13, 2000; to the Committee on Finance.

EC-8873. A communication from the United States Sentencing Commission transmitting, pursuant to law, the report of amendments to the sentencing guidelines, policy statements, and official commentary; to the Committee on the Judiciary.

EC-8874. A communication from the Assistant Secretary for Communications and Information, Department of Commerce and the Register of Copyrights, Library of Congress transmitting, pursuant to law, a report entitled "Joint Study of Section 1201(g) of The Digital Millennium Copyright Act"; to the Committee on the Judiciary.

EC-8875. A communication from the Office of Justice Programs, Department of Justice transmitting, pursuant to law, the report of a rule entitled "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations", received April 28, 2000; to the Committee on the Judiciary.

EC-8876. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC-8877. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Annual Report for the Strategic Petroleum Reserve" for calendar year 1999; to the Committee on Energy and Natural Resources.

EC-8878. A communication from the Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "State Energy Program" (RIN1904-AB01), received May 4, 2000; to the Committee on Energy and Natural Resources.

EC-8879. A communication from the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kentucky Regulatory Program" (SPATS No. KY-218-FOR), received May 5, 2000; to the Committee on Energy and Natural Resources.

EC-8880. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received May 4, 2000; to the Committee on Governmental Affairs.

EC-8881. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate System; Redefinition of the Southern and Western Colorado Appropriated Fund Wage Area" (RIN3206-A195), received May 4, 2000; to the Committee on Governmental Affairs.

EC-8882. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate System; Definition of Napa County, CA to a Nonappropriated Fund Wage Area" (RIN3206-A186), received May 4, 2000; to the Committee on Governmental Affairs.

EC-8883. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Reduction in Force Notices" (RIN3206-A199), received May 4, 2000; to the Committee on Governmental Affairs.

EC-8884. A communication from the Federal Labor Relations Authority, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC-8885. A communication from the United States Parole Commission, Department of Justice, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC-8886. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Perishable Agricultural Commodities Act: Recognizing Limited Liability Companies" (Docket Number FV99-361), received May 5, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8887. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Modification of Handling Regulations" (Docket Number FV00-945-1-IFR), received May 5, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8888. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation relative to protecting agricultural producers from short-term market and production fluctuations and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8889. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azoxytobin; Pesticide Tolerance" (FRL # 6554-9), received May 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8890. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyromazine; Pesticide Tolerance" (FRL # 6556-3), received May 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8891. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fludioxonil; Re-establishment of Tolerance for Emergency Exemptions" (FRL # 6554-9), received May 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8892. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Harpin Protein Exemption from the Requirement of a Tolerance" (FRL # 6497-4), received May 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8893. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prohexadione Calcium; Pesticide Tolerance" (FRL # 6555-2), received May 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8894. A communication from the Office of Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations" (RIN1291-AA30), received April 25, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-8895. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled the "Internet Prescription Drug Sales Act of 2000"; to the Committee on Health, Education, Labor, and Pensions.

EC-8896. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Gasoline Sulfur Rule Questions and Answers"; to the Committee on Environment and Public Works.

EC-8897. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "NESHAP: Pulp and Paper Questions and Answers, 2nd Vol., dated March 31, 2000"; to the Committee on Environment and Public Works.

EC-8898. A communication from the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and

Threatened Wildlife and Plants; Final Determination of Threatened Status for the Koala" (RIN1018-AE43), received May 4, 2000; to the Committee on Environment and Public Works.

EC-8899. A communication from the Nuclear Regulatory Commission transmitting, pursuant to law, a quarterly report on the denial of safeguards information for the period of January 1, 2000 through March 31, 2000; to the Committee on Environment and Public Works.

EC-8900. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District" (FRL # 6579-3), received April 13, 2000; to the Committee on Environment and Public Works.

EC-8901. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans Alabama: Approval of Revisions to the Alabama State Implementation Plan: Transportation Conformity Interagency Memorandum of Agreement" (FRL # 6605-8), received May 8, 2000; to the Committee on Environment and Public Works.

EC-8902. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans: Oregon RACT Rule" (FRL # 6582-9), received May 8, 2000; to the Committee on Environment and Public Works.

EC-8903. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 30, 1994" (FRL # 6603-5), received May 8, 2000; to the Committee on Environment and Public Works.

EC-8904. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL # 6603-3), received May 4, 2000; to the Committee on Environment and Public Works.

EC-8905. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan, Mojave Desert Air Quality Management District" (FRL # 6587-1), received May 8, 2000; to the Committee on Environment and Public Works.

EC-8906. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL # 6604-3), received May 4, 2000; to the Committee on Environment and Public Works.

EC-8907. A communication from the Federal Highway Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Emergency Relief Program—\$500,000 Disaster Eli-

gibility Threshold" (RIN2125-AE27), received May 8, 2000; to the Committee on Energy and Natural Resources.

EC-8908. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification relative to shrimp harvested with technology that may adversely affect certain sea turtles; to the Committee on Commerce, Science, and Transportation.

EC-8909. A communication from the National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Advanced Air Bags" (RIN2127-AG70), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8910. A communication from the Federal Highway Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Motor Carrier Safety Assistance Program (MCSAP)" (RIN2125-AE46), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8911. A communication from the Federal Motor Carrier Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Federal Motor Carrier Safety Regulations; Technical Amendments" (RIN2126-AA45), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8912. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Redoubt Shoal, Cook Inlet, AK (COTP Western Alaska 00-004)" (RIN2115-AA97) (2000-0010), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8913. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Vicinity of Atlantic Fleet Weapons Training Facility, Vieques, PR and Adjacent Territorial Sea (CGD07-00-080)" (RIN2115-AA97) (2000-0012), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8914. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Port Graham, Cook Inlet, AK (COTP Western Alaska 00-002)" (RIN2115-AA97) (2000-0011), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8915. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Kachemak Bay, AK (COTP Western Alaska 00-001)" (RIN2115-AA97) (2000-0009), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8916. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Chef Menteur Pass, LA (CGD08-00-005)" (RIN2115-AE47) (2000-0026), received May 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8917. A communication from the Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Appliance Labeling Rule, 16 CFR Part 305" (RIN3084-

AA74), received May 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8918. A communication from the Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "DotCom Disclosures: Information About Online Advertising", received May 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8919. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Spiny Dogfish Fishery; 2000 Specifications" (RIN0648-AN53), received May 4, 2000; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOND, from the Committee on Small Business, with an amendment in the nature of a substitute:

H.R. 2614: A bill to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes (Rept. No. 106-280).

By Mr. BURNS, from the Committee on Appropriations, without amendment:

S. 2521: An original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. McCONNELL, from the Committee on Appropriations, without amendment:

S. 2522: An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VOINOVICH (for himself, Mr. REID, Mr. DEWINE, Mr. KENNEDY, Mr. BRYAN, Mr. McCONNELL, Mr. HARKIN, Mr. THOMPSON, Mr. FRIST, and Mr. BUNNING):

S. 2519. A bill to authorize compensation and other benefits for employees of the Department of Energy, its contractors, subcontractors, and certain vendors who sustain illness or death related to exposure to beryllium, ionizing radiation, silica, or hazardous substances in the performance of their duties, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JEFFORDS (for himself, Mr. WELLSTONE, Ms. SNOWE, and Ms. COLLINS):

S. 2520. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow for the importation of certain covered products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURNS:

S. 2521. An original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year

ending September 30, 2001, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. MCCONNELL:

S. 2522. An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. CONRAD (for himself and Mr. MURKOWSKI):

S. 2523. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services, to provide for more equitable reimbursement rates for certified nurse-midwife services, and for other purposes; to the Committee on Finance.

By Ms. SNOWE:

S. 2524. A bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the Medicare Program to all individuals at clinical risk for osteoporosis; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. LAUTENBERG, Mrs. BOXER, and Mr. SCHUMER):

S. 2525. A bill to provide for the implementation of a system of licensing for purchasers of certain firearms and for a record of sale system for those firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself and Mr. INOUE):

S. 2526. A bill to amend the Indian Health Care Improvement Act to revise and extend such Act; to the Committee on Indian Affairs.

By Mr. GRASSLEY:

S. 2527. A bill to amend the Public Health Service Act to provide grant programs to reduce substance abuse, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN:

S. Res. 304. A resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs; to the Committee on the Judiciary.

By Mr. NICKLES (for himself, Mr. KYL, Mr. LIEBERMAN, Mr. GRAHAM, Mr. GRASSLEY, and Mr. LUGAR):

S. Con. Res. 111. A concurrent resolution expressing the sense of the Congress regarding ensuring a competitive North American market for softwood lumber; to the Committee on Finance.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH (for himself, Mr. REID, Mr. DEWINE, Mr. KENNEDY, Mr. BRYAN, Mr. MCCONNELL, Mr. HARKIN, Mr. THOMPSON, Mr. FRIST, and Mr. BUNNING):

S. 2519. A bill to authorize compensation and other benefits for employees of the Department of Energy, its con-

tractors, subcontractors, and certain vendors who sustain illness or death related to exposure to beryllium, ionizing radiation, silica, or hazardous substances in the performance of their duties, and for other purposes; to the Committee on Health, Education, Labor, and Pension.

#### ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION ACT OF 2000

Mr. VOINOVICH. Mr. President, over the last half century, and at facilities all across America, tens of thousands of dedicated men and women in our civilian federal workforce helped keep our military fully supplied and our nation fully prepared to meet any potential threat. Their success is measured in part with the end of the Cold War and the collapse of the Soviet Union. However, for many of these workers, their success came at a high price; the sacrifice of their health, and even their lives, for our liberty. I believe we have a federal obligation to live up to our responsibilities with these Cold War veterans.

The bill I am introducing today, along with Senators REID, DEWINE, KENNEDY, MCCONNELL, BRYAN, HARKIN, THOMPSON, FRIST, and BUNNING is titled the "Energy Employees Occupational Illness Compensation Act of 2000." This bill will provide financial compensation to Department of Energy workers whose impaired health has been caused by exposure to beryllium, radiation or other hazardous substances while working for the defense of the United States. The bill will also provide compensation to survivors of workers who have died while suffering from an illness resulting from exposure to these substances.

Many will express concern that it will be hard to prove if someone was made chronically ill by their work environment, however, such concerns can be refuted. For example, beryllium disease is a "fingerprint" disease, in that it leaves no doubt as to what caused the illness of the sufferer. Additionally, the only processing of the materials that cause Chronic Beryllium Disease is unique to our nuclear weapons facilities. Skepticism is understandable in many cases of radiation exposure at DoE facilities because the records may not generally reflect employee exposure to radioactive materials. However, concerns have been raised that the DoE destroyed or altered workers' records. Additionally, dosimeter badges, which record radiation exposure, were not always required to be worn by workers. When they were required to be worn, they were not always done so properly or consistently. DoE plant management would even "zero" dose badges. Therefore, many records do not exist, and where they do exist, there is adequate reason to doubt their accuracy. That is why this bill places the burden of proof on the government to prove that an employee's illness was not caused by workplace hazards.

As one who believes we should rely on sound science, I would certainly

support a method for compensation based on this principle if it was available. Unfortunately in this case, sound science either does not exist in DoE facility records, or it cannot be relied upon for accuracy. That's precisely what happened in my state of Ohio.

In a series of newspaper articles from the Columbus Dispatch, it was shown that for decades, some workers at the Portsmouth Gaseous Diffusion Plant in Piketon, Ohio—a plant which processes high-quality nuclear material—did not know they had been exposed to dangerous levels of radioactive material. That's because until recently, proper safety precautions were rarely taken to adequately protect workers' safety. Even when precautions were taken, the application of protective standards was inconsistent. In addition, workers at the Piketon plant have stated that plant management not only did not keep adequate dosimetry records, in some cases, they changed the dosimetry records to show lower levels of radiation exposure. If consistent, reliable and factual data is not available, then it will be quite difficult to utilize sound science.

Similar occurrences have been reported at the Fernald Feed Materials Production Center in Fernald, Ohio and the Mound Facility in Miamisburg, Ohio as well as other facilities nationwide.

The DoE has admitted that at some facilities, workers were not told the nature of the substances with which they were working, nor the ramifications that these materials may have on their future health and quality of life. It is unconscionable that DoE managers and other individuals in positions of responsibility could be so insensitive and uncaring about their fellow man.

Last year, the Toledo Blade published an award-winning series of articles outlining the plight of workers suffering from Chronic Beryllium Disease (CBD). While government standards were met in protecting the workers from exposure to the beryllium dust, many workers still were diagnosed with CBD. The stories of these workers who are suffering from this often debilitating disease are heart-wrenching. It is estimated that 1,200 people have contracted CBD, and hundreds have died from it, making CBD the number one disease directly caused by our Cold War effort.

Title one of this bill provides compensation to individuals suffering from Chronic Beryllium Disease (CBD). Beryllium, which is a toxic substance, can cause major health problems if proper precautions are not taken while it is being handled. Individuals who suffer from Chronic Beryllium Disease experience a loss of lung function, and in many cases face a painful death. While there is a blood test that can detect CBD, and there are treatments for it, there is no cure. Under this bill, if the disease is confirmed, it is presumed work-related and workers compensation at benefit levels established under



the Federal Employees Compensation Act (FECA) is paid—roughly two-thirds of six years worth of wages and health care coverage. Alternatively, a claimant can elect a one-time lump sum payment of \$200,000 (with healthcare benefits related to their disease) in lieu of wage replacement payments. Employees at DoE sites and DoE beryllium vendors would be covered under the bill.

Title two of this bill covers illnesses related to radiation and other hazardous substances. The first part of this title covers workers at all DoE sites who contract cancer that has been potentially caused by exposure to radiation (radiogenic cancer), worked at the site for at least one year and wore a radiation dosimeter badge or should have worn one. Causation is presumed if the covered cancer is a primary cancer. Again, benefits are paid at FECA levels, or in the alternative, a claimant can elect a one-time lump sum payment of \$200,000 (with healthcare benefits) in lieu of wage replacement payments. The presumption is modeled after the Radiation Exposure Compensation Act. This proposal incorporates all DoE sites across the nation, plus four vendor facilities.

The second part of this title covers workers at DoE sites for illness, impairment, disease or death, using a FECA level of benefits. The Secretary of Health and Human Services is required to create a panel of occupational doctors to review the claims for the Department of Labor, and the threshold for eligibility is whether exposure was a significant contributing factor to a worker's illness. The bill allows claimants to seek a second medical opinion. Further, the bill directs the HHS to empanel occupational physicians to develop additional presumptions for use in guiding future HHS and Labor Department decisions.

To obtain restitution under the bill, claimants would file with the Department of Labor's Office of Worker Compensation Programs under a FECA-like program but not FECA itself. The claims reviewer, after obtaining all the necessary information, would have 120 days to render a decision. If a denial is issued, the claimant can appeal to an administrative law judge (ALJ). The ALJ has 180 days to render an opinion. If an opinion is not rendered, the appeal can be brought to the federal Benefits Review Board (BRB). The BRB has 240 days to render an opinion, after which appeals can be brought to the U.S. Court of Appeals. Failure to meet deadlines by the DoL results in a default in favor of the claimant. This approach is intended to remedy the major defects in FECA, which excludes any rights to the Courts and results in years of delay in many cases.

Mr. President, there may be some who will say that this bill costs too much, or we can't afford it so we shouldn't do it. I strongly disagree.

Congress appropriates billions of dollars annually on things that are not

the responsibility of the federal government. And here we have a clear instance where our federal government is responsible for the actions it has taken and the negligence it has shown against its own people. This is an issue where peoples' health has been compromised and lives have been lost. In many instances, these workers didn't even know that their health and safety was in jeopardy. It is not only a responsibility of this government to provide for these individuals, it is a moral obligation.

Mr. President, it is unfortunate that a bill establishing this type of compensation program is necessary; it is little consolation for the pain, health problems and diminished quality of life that these individuals have suffered. These men and women who won the Cold War have only asked that the United States government—the government of the nation that they spent their lives defending—acknowledge that they were made ill in the course of doing their job and recognize that the government must take care of them.

Sadly, because of the government's stonewalling and denial of responsibility, the only way many of these employees believe they will ever receive proper restitution for what the government has done is to file a lawsuit against the Department of Energy or its contractors. That should not have to happen and it is my hope that this legislation will preclude any perceived need for such lawsuits.

I believe that all those who have served our nation fighting the Cold War deserve to know if the federal government was responsible for causing them illness or harm, and if so, to provide them the care that they need. I encourage my colleagues to join us in cosponsoring this legislation and I urge the Senate to consider this bill during this session of Congress.

By Mr. JEFFORDS (for himself,  
Mr. WELLSTONE, Ms. SNOWE,  
and Ms. COLLINS):

S. 2520. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow for the importation of certain covered products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEDICINE EQUITY AND DRUG SAFETY ACT OF 2000

Mr. JEFFORDS. Mr. President, as we work to address the problems of health care in the new millennium, we are blessed and we are cursed: blessed with the promise of new research capabilities and the knowledge gleaned from the human genome, and cursed with the high costs of all medicines, new and old. Today, I come to the floor to introduce a bill that will help address the curse of out-of-control drug prices, the Medicine Equity and Drug Safety Act of 2000, or MEDS Act.

There is no question that prescription drugs cost too much in this nation.

During a time when we are experiencing unprecedented economic

growth, it is not uncommon to hear of patients who cut pills in half, or skip dosages in order to make prescriptions last longer, because they can't afford the refill. The question that we should ask is, can we put politics aside and work in a bipartisan manner to deal with this national crisis? I say we must. And I am hopeful we can.

Prescription medicines have revolutionized the treatment of certain diseases, but they are only effective if patients have access to the medicines that their doctors prescribe.

The best medicines in the world will not help a person who cannot afford them. And they can actually do more harm than good if taken with the improper dosage.

Mr. President, it is well documented that the average price of prescription medicines is much lower in Canada than in the United States, with the price of some drugs in Vermont being twice that of the same drug available only a few miles away in a Canadian pharmacy. This is true even though many of the drugs sold in Canada are actually manufactured, packed, and distributed by American companies that sell the same FDA-approved products in both markets, but at drastically different prices.

This pricing disparity unfairly places the heaviest burden on the most vulnerable Americans—hardworking, but uninsured Americans who make too much money to qualify for Medicaid, yet still cannot afford the high cost of lifesaving drugs.

The legislation I am introducing today will allow pharmacists and wholesalers to get the same FDA-approved drugs sold at lower prices in other countries, and pass the savings on to consumers in the U.S.

This bipartisan proposal builds on legislation I introduced last year, S. 1462, that would allow imports from Canada for personal use, and borrows from another bill cosponsored by Senator WELLSTONE, S. 1191, that would allow reimportation of prescription drugs that were made in U.S. facilities.

The most important aspect of this bill, Mr. President, is safety. We all want to find ways to bring drug costs down for all Americans, but the concept of reimportation has been criticized as compromising the Food and Drug Administration's (FDA) world-renowned gold standard for safety by opening the American market to foreign counterfeiters who will attempt to flood the market with fake drugs.

This bill is simple in its approach. It would empower pharmacists and wholesalers to purchase FDA-approved medicines in Canada and pass the discounts along to American patients, and would let the experts at Health and Human Services (HHS) determine the best mechanism for allowing such imports while preserving the gold standard for safety.

The discretionary authority granted to the Secretary of HHS would be subject to a few important requirements,

such as identification of the importer and the product, but would require the Secretary to promulgate regulations setting up a safe system for allowing the reimportation of prescription drugs as long as the importer has demonstrated, to the satisfaction of HHS, that the product being reimported is safe, and is the same product that is being sold in the United States at a higher price.

Mr. President, I have said before and I will say again, this is not the only solution, and it may not be the best solution to this problem.

I strongly believe we need to enact a broad prescription drug benefit, and I believe we need to find ways to encourage more insurance coverage for more Americans that covers the cost of drugs. But this is a positive, bipartisan measure that we can implement now that will bring prescription drug prices down for all Americans, and I encourage your support.

Mr. WELLSTONE. Mr. President, I am very pleased to join Senator JEFFORDS, Senator COLLINS, and Senator SNOWE as a cosponsor of the Medicine Equity and Drug Safety Act of 2000. As this bill demonstrates, concern about the high price of prescription drugs in this country is a bipartisan issue. Republicans, Democrats, and independents alike suffer from the unconscionable behavior of American drug companies who overcharge American consumers day in and day out, compared to prices they charge in every other country of the world. Americans regardless of party have a fundamental belief in fairness—and know a rip-off when they see one. This bill aims to end the rip-off, to end the choke hold that the pharmaceutical industry has on America's seniors.

The Jeffords-Wellstone Medicine Equity and Drug Safety Act will make prescription drugs affordable for millions of Americans by applying the principles of free trade and competition to the prescription drug industry—without sacrificing safety. Senator JEFFORDS, Senator SNOWE, Senator COLLINS and I have heard the firsthand stories from our constituents—in Minnesota, in Maine and in Vermont—constituents who are justifiably frustrated and discouraged when they can't afford to buy prescription drugs that are made in the United States—unless they go across the border to Canada where those same drugs, manufactured in the same facilities here in the U.S. are available for about half the price.

This legislation provides relief from the price gouging of American consumers by our own pharmaceutical industry. This price gouging affects all Americans, but especially our senior citizens who feel the brunt of this problem more than any other age group because of the increasing number of prescription drugs we all will take as the years pass. Senior citizens have lost their patience in waiting for answers—and so have I. That is why I have joined Senator JEFFORDS in this bipar-

tisan effort to allow all Americans to have access to prescription drugs at prices they can afford.

While we can be proud of both American scientific research that produces new miracle cures and the high standards of safety and efficacy that we expect to be followed at the FDA, it is shameful that America's most vulnerable citizens—the chronically ill and the elderly—are being asked to pay the highest prices in the world here in the U.S. for the exact same medications manufactured here but sold more cheaply overseas.

Pharmacists could sell prescription drugs for less here in the United States, if they could buy and import these same drugs from Canada or Europe. Now, however, Federal law allows only the manufacturer of a drug to import it into the U.S. Thus American pharmacists and wholesalers must pay the exorbitant prices charged by the pharmaceutical industry in the U.S. market and pass along those high prices to consumers.

The legislative solution is simple. The bipartisan Medicine Equity and Drug Safety Act does two things: first, it allows Americans to legally import prescription drugs for personal use (which currently is allowed by FDA discretion), and more importantly, in the long run, it allows American pharmacists and wholesalers to import FDA approved prescription drugs into the United States for resale. Only drugs which have already been approved by the FDA for use in the United States could be imported for resale. Thus, the existing strict safety standards of the FDA will be maintained.

Pharmacists and wholesalers will be able to purchase drugs at lower prices and then pass the savings along to American consumers. To assure safety, the bill requires the FDA to develop regulations to precisely track imported drugs and to issue any other safety requirements the FDA deems necessary. It is time to tell the pharmaceutical industry: Enough! It is an industry that controls competition to keep prices so high that prescription drugs become unaffordable for the average American. It is an industry that puts profits first and leaves patients to fend for themselves.

What this bill does is to address the absurd situation by which American consumers are paying substantially higher prices for their prescription drugs than are the citizens of Canada, Mexico, and other countries. This bill does not create any new federal programs. Instead it uses principles of free trade and competition to help make it possible for American consumers to purchase the prescription drugs they need.

In summary, this bill brings competition into the price of pharmaceuticals and extends the promise of America's medical and pharmaceutical research to every American. It deserves bipartisan support, and I am glad to say it has it.

Ms. SNOWE. Mr. President, I am pleased to join Senators JEFFORDS, WELLSTONE, and COLLINS today as an original cosponsor of the Medicine Equity and Drug Safety Act of 2000.

There is no doubt that providing access to affordable prescription drugs for American consumers is a very important policy issue. It seems that everywhere we turn—from "60 Minutes" to Newsweek—we are hearing stories that our nation's patients face dramatically higher prices for their prescription medication than do our neighbors to the North.

In my view, a solution to the pressing problem of prescription drug coverage can't come soon enough. In 1998, drug costs grew more than any other category of health care—skyrocketing by 15.4 percent in a single year. And that's a special burden for seniors, who pay half the cost associated with their prescriptions as opposed to those under 65 who pay just a third.

Seniors are reeling from the burden of their prescription drug expenses. The March/April 2000 edition of Health Affairs reports that the average senior now spends \$1,100 every year on medications. And with the latest HCFA estimates putting the number of seniors without drug coverage at around 31 percent of all Medicare beneficiaries—or about 13 out of nearly 40 million Americans—it's not hard to see why we can no longer wait to provide a solution. In fact, nearly 86 percent of Medicare beneficiaries must use at least one prescription drug every day.

Who are these seniors who don't have prescription drug coverage? Who are the ones traveling by the busload to Canada to buy their prescription drugs? They are people caught in the middle—most of whom are neither wealthy enough to afford their own coverage nor poor enough to qualify for Medicaid. In fact, we know that seniors between 100 percent and 200 percent of the federal poverty have the lowest levels of prescription drug coverage. And these seniors who are just over the poverty level are the least likely to have access to either employer-based coverage or Medicaid.

But even Medicaid is not the answer. According to the Urban Institute, in 1996, 63 percent of beneficiaries eligible for QMB (Qualified Medicare Beneficiary) protections—that is, those under the federal poverty level—actually receive those protections, while only 10 percent of those between 100 and 120 percent of the poverty level—those eligible for SLMB (Specified Low-Income Medicare Beneficiary) protections—are receiving that coverage. And only 16 states—including my home state of Maine—have their own drug assistance programs.

The high cost of prescription medications in the United States is forcing many of our nation's seniors to make unthinkable decisions that are harmful to their health and well-being. It is simply unacceptable that any person should have to choose between filling a prescription or buying groceries.

It is fundamentally unfair that a senior in Maine, Vermont, or Minnesota must drive across the Canadian border to be able to afford to buy his or her prescription medications. And while it is illegal for Americans to go to Canada and purchase drugs to be brought back to the United States, we know that this happens on a daily basis.

Mr. President, we are in a time of unparalleled prosperity. Almost daily, it seems, we learn of astounding new breakthroughs in biomedical research and in new prescription medications. And there is no question in anyone's mind that we have the best—the very best—health care in the entire world. But yet what does it say when our seniors are forced to go to Canada to purchase their prescription medications?

Mr. President, the legislation introduced today by Senator JEFFORDS will allow Americans to legally purchase in Canada a limited amount of their medication for personal use. This will enable American patients to purchase their medications at the lower prices. In addition, pharmacists and wholesalers will be allowed to reimport prescription drugs that were made in the U.S. or in FDA-approved facilities.

Mr. President, I support this bill and believe that Senator JEFFORDS has written a sound piece of legislation. But the fact of the matter is that addressing the issue of seniors crossing the border to purchase drugs is really only an interim approach—the real issue for America's seniors is the lack of comprehensive prescription drug coverage for Medicare beneficiaries.

This is why last August I introduced the Seniors Prescription Insurance Coverage Equity (SPICE) Act, S. 1480, with Senator RON WYDEN of Oregon. Our plan will give seniors coverage options similar to those enjoyed by Members of Congress and other federal employees, through a choice of competing comprehensive drug plans. SPICE will prescribe prescription drug coverage for all Medicare-eligible seniors, with the federal government covering all or part of the premiums on a sliding scale.

SPICE has the advantage of working with or without Medicare reform—something I've heard time and again is important to seniors, because it means that they don't have to wait for meaningful prescription drug coverage. The SPICE gives us the best of all possible worlds—a system that can exist outside of Medicare reform, co-exist with a new Medicare regime when it comes, and actually serve as a downpayment on comprehensive reform.

Mr. President, I am pleased to join Senator JEFFORDS as an original cosponsor of this bill. He has written a bill with the needs of American consumers in mind, and he is ensuring that Americans will have access to safe and affordable prescription medications while Congress works to devise a long-term solution to this very serious problem.

Thank you, I yield the floor.

By Ms. SNOWE:

S. 2524. A bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the Medicare Program to all individuals at clinical risk for osteoporosis; to the Committee on Finance.

#### MEDICARE OSTEOPOROSIS MEASUREMENT ACT OF 2000

• Ms. SNOWE. Mr. President, I rise today to introduce the Medicare Osteoporosis Measurement Act.

Three years ago Congress passed the Balanced Budget Act of 1997. In doing so, we dramatically expanded coverage of osteoporosis screening through bone mass measurements for Medicare beneficiaries. Since we passed this law, we have learned that under the current Medicare law, it is very difficult for a man to be reimbursed for a bone mass measurement test. The bill I am introducing today, the Medicare Osteoporosis Measurement Act, would help all individuals enrolled in Medicare to receive the necessary tests if they are at risk for osteoporosis.

Currently, Medicare guidelines allow for testing in five categories of individuals—and most “at risk” men do not fall into any of them. The first category in the guidelines is for “an estrogen-deficient woman at clinical risk for osteoporosis.” The bill I am introducing today changes this guideline to say that “an individual, including an estrogen-deficient woman, at clinical risk for osteoporosis” will be eligible for bone mass measurement. This change—of just a few words—will vastly increase the opportunities for men to be covered for the important test.

Osteoporosis is a major public health problem affecting 28 million Americans, who either have the disease or are at risk due to low bone mass. Today, two million American men have osteoporosis, and another three million are at risk of this disease. Osteoporosis causes 1.5 million fractures annually at a cost of \$13.8 billion—\$38 million per day—in direct medical expenses. In their lifetime, one in two women and one in eight men over the age of 50 will fracture a bone due to osteoporosis. Each year, men suffer one-third of all the hip fractures that occur, and one-third of these men will not survive more than a year. In addition to hip fracture, men also experience painful and debilitating fractures of the spine, wrist, and other bones due to osteoporosis.

Osteoporosis is largely preventable and thousands of fractures could be avoided if low bone mass were detected early and treated. Though we now have drugs that promise to reduce fractures by 50 percent and new drugs have been proven to actually rebuild bone mass, a bone mass measurement is needed to diagnose osteoporosis and determine one's risk for future fractures. And we have learned that there are some prominent risk factors: age, gender, race, a family history of bone fractures, early menopause, risky health behaviors such as smoking and excessive al-

cohol consumption, and some medications all have been identified as contributing factors to bone loss. But identification of risk factors alone cannot predict how much bone a person has and how strong bone is.

Mr. President, we know that osteoporosis is highly preventable, but only if it is discovered in time. There is simply no substitute for early detection. My legislation will ensure that all Medicare beneficiaries at risk for osteoporosis will be able to be tested for osteoporosis. •

By Mrs. FEINSTEIN (for herself, Mr. LAUTENBERG, Mrs. BOXER, and Mr. SCHUMER):

S. 2525. A bill to provide for the implementation of a system of licensing for purchasers of certain firearms and for a record of sale system for those firearms, and for other purposes; to the Committee on the Judiciary.

#### FIREARM LICENSING AND RECORD OF SALE ACT OF 2000

• Mrs. FEINSTEIN. Mr. President, on any given day in the United States 80 people are killed by gun violence, 12 of them children. Seeking to bring an end to this senseless violence, supporters of sensible gun laws are coming together this Mothers' Day from all over the country to participate in the Million Mom March and say to Congress: “Enough is Enough.”

We share a common purpose: The passage of sensible gun laws that will hopefully help save lives.

This common goal includes moving forward with the four, common-sense gun measures passed by this body almost a full year ago—trigger locks, closing the gun show loophole, banning the importation of large capacity ammunition magazines, and banning juvenile possession of assault weapons.

And beyond those four common sense measures, the mothers flooding into Washington are calling for legislation to license gun owners and keep track of guns.

Earlier today, I stood with some of those moms, with Donna Dees-Thomases, the head of the Million Mom March, with Chief Ramsey of the District of Columbia Police Department, with representatives of Handgun Control and the Coalition to Stop Gun Violence, and with several of my colleagues to announce the introduction of a bill to take the next step in the fight to keep guns out of the hands of criminals and juveniles.

And so I now rise to introduce the “Firearm Licensing and Record of Sale Act of 2000,” which I believe represents a common-sense approach to guns and gun violence in America.

I am pleased to be joined in this effort by Senators FRANK LAUTENBERG, BARBARA BOXER and CHARLES SCHUMER. And I am pleased that Representative MARTY MEEHAN from Massachusetts will soon be introducing this legislation in the House. I know that this will be an uphill battle, and I don't expect this bill to pass overnight. But it is my

hope that in the coming months, more of our colleagues in both Houses will join us and help us to move this bill forward until we succeed.

Mr. President, in this country, when you want to hunt, you get a hunting license; when you want to fish, you get a fishing license. But when you want to buy a gun, no license is necessary. That makes no sense.

We register cars and license drivers. We register pesticides and license exterminators. We register animal carriers and researchers, we register gambling devices. And we register a whole host of other goods and activities—even “international expositions,” believe it or not, must be registered with the Bureau of International Expositions!

But when it comes to guns and gun owners—no license and no registration, despite the loss of more than 32,000 lives a year from gun violence.

To this end, I have worked with law enforcement officials and other experts in drafting the bill we are introducing today.

Upon enactment of this legislation, anyone purchasing a handgun or semi-automatic weapon that takes detachable ammunition magazines will be required to have a license. Shotguns and a large number of common hunting guns are not covered by the requirements of this bill.

Current owners of these weapons will have up to 10 years to obtain a license.

The bill sets up a federal system, but allows states to opt out if they adopt a system at least as effective as the federal program.

Under this bill, anyone wishing to obtain a firearm license will need to go to a federally licensed firearms dealer. There are currently more than 100,000 such dealers across the country—to put that in some perspective, there are four times more gun dealers in America than there are McDonald's restaurants in the entire world. Operating the federal licensing system through these licensed dealers will minimize the burden on those wishing to obtain a license.

If a state opts-out of the federal program, an individual will go to a State-designated entity, like a local sheriff, local police department, or even Department of Motor Vehicles. It will all depend on where the state feels is best.

Either way, the purchaser will then need to:

Provide information as to date and place of birth and name and address;

Submit a thumb print;

Submit a current photograph;

Sign, under penalty of perjury, that all of the submitted information is true and that the applicant is qualified under federal law to possess a firearm; Pass a written firearms safety test, requiring knowledge of the safe storage and handling of firearms, the legal responsibilities of firearm ownership, and other factors as determined by the state or federal authority;

Sign a pledge to keep any firearm safely stored and out of the hands of

juveniles (this pledge will be backed up by criminal penalties of up to three years in jail for anyone failing to do so);

Undergo state and federal background checks.

Licenses will be renewable every five years, and can be revoked at any time if the licensee becomes disqualified under federal law from owning or possessing a gun.

And the fee for a license cannot exceed \$25.

Once the bill takes effect, all future sales and transfers of firearms falling within the scope of the bill will have to be recorded through a federally licensed firearms dealer, with an accompanying NICS background check. That way, law enforcement agencies will have easier access to information leading to the arrest of persons who use guns in crime.

The bill covers both handguns and other guns that are semi-automatic and can accept detachable magazines.

The legislation covers handguns because statistically, these guns are used in more crimes than any other. In fact, approximately 85 percent of all firearm homicides involve a handgun.

And the legislation also covers semi-automatic firearms that can accept detachable magazines, because these are the kind of assault weapons that have the potential to destroy the largest number of lives in the shortest period of time.

A gun that can take a detachable magazine can also take a large capacity magazine. Combine that with semi-automatic, rapid fire, and you have a deadly combination—as we have seen time and again in recent years.

Put simply, this legislation will cover those firearms that represent the greatest threat to the safety of innocent men, women and children in this nation.

Common hunting rifles, shotguns and other firearms that cannot accept detachable magazines will remain exempt.

This represents a compromise between those who would rather not have this bill at all, and those of us who believe that universal coverage of all firearms would be appropriate.

Penalties will vary depending on the severity of the violation. But in no case will gun owners face jail time simply because they forgot to get a license:

Those who fail to get a license will face fines of between \$500 (for a first offense) and \$5,000 for subsequent offenses.

Failing to report a change of address or the loss of a firearm will also result in penalties between \$500 and \$5,000, because this system works best for law enforcement when the perpetrators of gun crime can be quickly traced and arrested;

Dealers who fail to maintain adequate records will face up to 2 years in prison—dealers know their responsibilities, and this will give law enforce-

ment the tools necessary to root out bad dealers and prevent the straw purchases and other violations of law that allow criminals easy access to a continuing flow of guns;

And adults who recklessly or knowingly allow a child access to a firearm face up to three years in prison if the child uses the gun to kill or seriously injure another person. In this way, the bill truly puts a new sense of responsibility onto gun owners in America.

Mr. President, law enforcement in California tells me that a licensing and record of sale system like the one I am introducing today will help law enforcement, upon recovery of a firearm used in crime, to track the gun down to the person who sold it, and then to the person who bought it.

And this legislation also sets in place a method through which we can better attempt to ensure that gun owners are responsible and trained in the use and care of their dangerous possessions.

We have tried to minimize the burden of this bill at every turn:

The licensing process will take place through federally licensed firearms dealers—as I mentioned earlier, there are currently more than 100,000 in this country;

The fee for a license will be only \$25;

Current gun owners will have ten years to get a license, and guns now in homes will not have to be registered.

Future gun transfers will simply be recorded by licensed dealers—as they are now—and a system will be put in place to allow the quick tracing of guns used in crime. Gun owners themselves will not have to register their old guns or send any paperwork to the government.

Mr. President, this nation is awash in guns—there are more than 200 million of them in the United States. The problem of gun violence is not going away, and accidental deaths from firearms rob us of countless innocents each year.

Too many lives are lost every year simply because gun owners do not know how to use or store their firearms—particularly around children. In fact, according to a study released early last year, in 1996 alone there were more than 1,100 unintentional shooting deaths and more than 18,000 firearm suicides—many of which might have been prevented if the person intent on suicide did not have easy access to a gun owned by somebody else. It is my hope that the provisions of this bill, particularly with regard to child access prevention, will begin the process of making it harder for children and others to gain easy access to firearms.

I know that this bill will not pass overnight. We have a long process of education ahead of us. But the American people are with us. The facts are with us. And common sense is with us.

I thank the Senate for its consideration of this measure, and I look forward to working with each of my colleagues to move this bill forward in the coming months.●

By Mr. CAMPBELL (for himself and Mr. INOUE):

S. 2526. A bill to amend the Indian Health Care Improvement Act to revise and extend such Act; to the Committee on Indian Affairs.

INDIAN HEALTH CARE IMPROVEMENT ACT  
REAUTHORIZATION OF 2000

Mr. CAMPBELL. Mr. President, I am pleased to be joined by Senator INOUE today in introducing a bill to reauthorize the Indian Health Care Improvement Act (the "IHCA" or the "Act").

The United States first began to provide health services to Indians in 1824 as part of the War Department's handling of Indian affairs. In 1849 this responsibility went to the newly-created Interior Department where it rested until 1955 when it was transferred to the Public Health Service's Indian Health Agency.

In 1970, President Nixon issued his now-famous "Special Message to Congress on Indian Affairs" laying out the rationale for a more enlightened Indian Policy—Indian Self Determination.

The Indian Self-Determination and Education Assistance Act of 1975, the Indian Health Care Improvement Act of 1976, and the amendments to each over the years can be traced directly to the fundamental change proposed in 1970.

I am happy to say that legislation I proposed earlier this session, the Indian Self Governance Amendments of 1999, have passed the House and the Senate and awaits final action.

With the introduction of this bill, we re-affirm the core principles that were part of the 1976 legislation: (1) that federal health services are consistent with the unique federal-tribal relationship; (2) that a goal of the U.S. is to provide the quantity and quality of services to raise the health status of Indians; and (3) that Indian participation in the planning and management of health services should be maximized.

First enacted in 1976, this IHCA provides the authorization for programs run by the Indian Health Service and is the legislation most responsible for raising the health status of Indian people to a level that, while still alarming, is not nearly as serious as it was just twenty-five years ago.

Before the passage of the Act in 1976 the mortality rate for Indian infants was 25% higher than that of non-Indian babies. The death rates for mothers was 82% higher and the mortality rates from infectious disease caused diarrhea and dehydration was 138% greater.

Today we can see marked improvements. Infant mortality rates have been reduced by 54%, maternal mortality rates have been reduced by 65%, tuberculosis mortality by 80% and overall mortality rates have been reduced by 42%.

While encouraging, these statistics mask the fact that the health status of Native people in America is still poor and below that of all other groups.

There are 3 issues in particular that need to be raised: urban Indians; Indian health facilities construction needs; and the booming problem of diabetes.

As past censuses have shown, the 2000 decennial census is likely to show that more than one-half of the 2.3 million American Indians and Alaska Natives reside off-reservation and are what commonly called "urban Indians." Though the health services framework that now exists has slowly begun to acknowledge this trend, I am concerned that urban Indian health care needs require a more focused approach.

An ongoing problem that continues to confront the tribes, the IHS, and the Congress is the growing backlog in health care facilities construction. Recent estimates show that these needs top \$900 million and federal appropriations simply will not satisfy these needs. I strongly believe that innovative proposals need to be made, refined and perfected in order to accomplish our common goal. I am heartened by the success of the Joint Venture Program and want to explore other proposals to get these facilities built.

Ailments of affluence continue to seep into native communities and erode the quality of life and very social fabric that holds these communities together. Alcohol and substance abuse continue to take a heavy toll and diabetes rates are reaching alarmingly high rates. Most troubling is the increasing obesity and diabetes that is showing up with alarming frequency in Native youngsters.

It is now time to take that extra step and to look at the positive things we have accomplished and build upon them.

This bill is a step in the right direction. It is the product of months-long consultations by a group of very dedicated individuals consisting of Indian tribal leaders, legal professionals and representatives of the private and public health care sectors.

The group reviewed existing law and has proposed changes to improve the current system by stressing local flexibility and choice, and making it more responsive to the health needs of Indian people.

The Committee on Indian Affairs has already had one hearing on the bill and will continue to review it in the months ahead.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 2526

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Indian Health Care Improvement Act Reauthorization of 2000".

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

Sec. 1. Short title.

**TITLE I—REAUTHORIZATION AND REVISIONS OF THE INDIAN HEALTH CARE IMPROVEMENT ACT**

Sec. 101. Amendment to the Indian Health Care Improvement Act.

**TITLE II—CONFORMING AMENDMENTS TO THE SOCIAL SECURITY ACT**

Subtitle A—Medicare

Sec. 201. Limitations on charges.

Sec. 202. Indian health programs.

Sec. 203. Qualified Indian health program.

Subtitle B—Medicaid

Sec. 211. Payments to Federally-qualified health centers.

Sec. 212. State consultation with Indian health programs.

Sec. 213. Fmap for services provided by Indian health programs.

Sec. 214. Indian Health Service programs.

Subtitle C—State Children's Health Insurance Program

Sec. 221. Enhanced fmap for State children's health insurance program.

Sec. 222. Direct funding of State children's health insurance program.

"Sec. 2111. Direct funding of Indian health programs.

Subtitle D—Authorization of Appropriations

Sec. 231. Authorization of appropriations.

**TITLE III—MISCELLANEOUS PROVISIONS**

Sec. 301. Repeals.

Sec. 302. Severability provisions.

**TITLE I—REAUTHORIZATION AND REVISIONS OF THE INDIAN HEALTH CARE IMPROVEMENT ACT**

**SEC. 101. AMENDMENT TO THE INDIAN HEALTH CARE IMPROVEMENT ACT.**

The Indian Health Care Improvement Act (25 U.S.C. 1601 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 'Indian Health Care Improvement Act'.

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

"Sec. 1. Short title; table of contents.

"Sec. 2. Findings.

"Sec. 3. Declaration of health objectives.

"Sec. 4. Definitions.

**"TITLE I—INDIAN HEALTH, HUMAN RESOURCES AND DEVELOPMENT**

"Sec. 101. Purpose.

"Sec. 102. General requirements.

"Sec. 103. Health professions recruitment program for Indians.

"Sec. 104. Health professions preparatory scholarship program for Indians.

"Sec. 105. Indian health professions scholarships.

"Sec. 106. American Indians into psychology program.

"Sec. 107. Indian Health Service extern programs.

"Sec. 108. Continuing education allowances.

"Sec. 109. Community health representative program.

"Sec. 110. Indian Health Service loan repayment program.

"Sec. 111. Scholarship and loan repayment recovery fund.

"Sec. 112. Recruitment activities.

"Sec. 113. Tribal recruitment and retention program.

"Sec. 114. Advanced training and research.

"Sec. 115. Nursing programs; Quentin N. Burdick American Indians into Nursing Program.

"Sec. 116. Tribal culture and history.

"Sec. 117. INMED program.

"Sec. 118. Health training programs of community colleges.

"Sec. 119. Retention bonus.

"Sec. 120. Nursing residency program.

"Sec. 121. Community health aide program for Alaska.

"Sec. 122. Tribal health program administration.

"Sec. 123. Health professional chronic shortage demonstration project.

"Sec. 124. Scholarships.

"Sec. 125. National Health Service Corps.

"Sec. 126. Substance abuse counselor education demonstration project.

"Sec. 127. Mental health training and community education.

"Sec. 128. Authorization of appropriations.

"TITLE II—HEALTH SERVICES

"Sec. 201. Indian Health Care Improvement Fund.

"Sec. 202. Catastrophic Health Emergency Fund.

"Sec. 203. Health promotion and disease prevention services.

"Sec. 204. Diabetes prevention, treatment, and control.

"Sec. 205. Shared services.

"Sec. 206. Health services research.

"Sec. 207. Mammography and other cancer screening.

"Sec. 208. Patient travel costs.

"Sec. 209. Epidemiology centers.

"Sec. 210. Comprehensive school health education programs.

"Sec. 211. Indian youth program.

"Sec. 212. Prevention, control, and elimination of communicable and infectious diseases.

"Sec. 213. Authority for provision of other services.

"Sec. 214. Indian women's health care.

"Sec. 215. Environmental and nuclear health hazards.

"Sec. 216. Arizona as a contract health service delivery area.

"Sec. 217. California contract health services demonstration program.

"Sec. 218. California as a contract health service delivery area.

"Sec. 219. Contract health services for the Trenton service area.

"Sec. 220. Programs operated by Indian tribes and tribal organizations.

"Sec. 221.—licensing.

"Sec. 222. Authorization for emergency contract health services.

"Sec. 223. Prompt action on payment of claims.

"Sec. 224. Liability for payment.

"Sec. 225. Authorization of appropriations.

"TITLE III—FACILITIES

"Sec. 301. Consultation, construction and renovation of facilities; reports.

"Sec. 302. Safe water and sanitary waste disposal facilities.

"Sec. 303. Preference to Indians and Indian firms.

"Sec. 304. Soboba sanitation facilities.

"Sec. 305. Expenditure of nonservice funds for renovation.

"Sec. 306. Funding for the construction, expansion, and modernization of small ambulatory care facilities.

"Sec. 307. Indian health care delivery demonstration project.

"Sec. 308. Land transfer.

"Sec. 309. Leases.

"Sec. 310. Loans, loan guarantees and loan repayment.

"Sec. 311. Tribal leasing.

"Sec. 312. Indian Health Service/tribal facilities joint venture program.

"Sec. 313. Location of facilities.

"Sec. 314. Maintenance and improvement of health care facilities.

"Sec. 315. Tribal management of Federally-owned quarters.

"Sec. 316. Applicability of buy American requirement.

"Sec. 317. Other funding for facilities.

"Sec. 318. Authorization of appropriations.

"TITLE IV—ACCESS TO HEALTH SERVICES

"Sec. 401. Treatment of payments under medicare program.

"Sec. 402.—Treatment of payments under medicaid program.

"Sec. 403. Report.

"Sec. 404. Grants to and funding agreements with the service, Indian tribes or tribal organizations, and urban Indian organizations.

"Sec. 405. Direct billing and reimbursement of medicare, medicaid, and other third party payors.

"Sec. 406. Reimbursement from certain third parties of costs of health services.

"Sec. 407. Crediting of reimbursements.

"Sec. 408. Purchasing health care coverage.

"Sec. 409. Indian Health Service, Department of Veteran's Affairs, and other Federal agency health facilities and services sharing.

"Sec. 410. Payor of last resort.

"Sec. 411. Right to recover from Federal health care programs.

"Sec. 412. Tuba city demonstration project.

"Sec. 413. Access to Federal insurance.

"Sec. 414. Consultation and rulemaking.

"Sec. 415. Limitations on charges.

"Sec. 416. Limitation on Secretary's waiver authority.

"Sec. 417. Waiver of medicare and medicaid sanctions.

"Sec. 418. Meaning of 'remuneration' for purposes of safe harbor provisions; antitrust immunity.

"Sec. 419. Co-insurance, co-payments, deductibles and premiums.

"Sec. 420. Inclusion of income and resources for purposes of medically needy medicaid eligibility.

"Sec. 421. Estate recovery provisions.

"Sec. 422. Medical child support.

"Sec. 423. Provisions relating to managed care.

"Sec. 424. Navajo Nation medicaid agency.

"Sec. 425. Indian advisory committees.

"Sec. 426. Authorization of appropriations.

"TITLE V—HEALTH SERVICES FOR URBAN INDIANS

"Sec. 501. Purpose.

"Sec. 502. Contracts with, and grants to, urban Indian organizations.

"Sec. 503. Contracts and grants for the provision of health care and referral services.

"Sec. 504. Contracts and grants for the determination of unmet health care needs.

"Sec. 505. Evaluations; renewals.

"Sec. 506. Other contract and grant requirements.

"Sec. 507. Reports and records.

"Sec. 508. Limitation on contract authority.

"Sec. 509. Facilities.

"Sec. 510. Office of Urban Indian Health.

"Sec. 511. Grants for alcohol and substance abuse related services.

"Sec. 512. Treatment of certain demonstration projects.

"Sec. 513. Urban NIAAA transferred programs.

"Sec. 514. Consultation with urban Indian organizations.

"Sec. 515. Federal Tort Claims Act coverage.

"Sec. 516. Urban youth treatment center demonstration.

"Sec. 517. Use of Federal government facilities and sources of supply.

"Sec. 518. Grants for diabetes prevention, treatment and control.

"Sec. 519. Community health representatives.

"Sec. 520. Regulations.

"Sec. 521. Authorization of appropriations.

"TITLE VI—ORGANIZATIONAL IMPROVEMENTS

"Sec. 601. Establishment of the Indian Health Service as an agency of the Public Health Service.

"Sec. 602. Automated management information system.

"Sec. 603. Authorization of appropriations.

"TITLE VII—BEHAVIORAL HEALTH PROGRAMS

"Sec. 701. Behavioral health prevention and treatment services.

"Sec. 702. Memorandum of agreement with the Department of the Interior.

"Sec. 703. Comprehensive behavioral health prevention and treatment program.

"Sec. 704. Mental health technician program.

"Sec. 705. Licensing requirement for mental health care workers.

"Sec. 706. Indian women treatment programs.

"Sec. 707. Indian youth program.

"Sec. 708. Inpatient and community-based mental health facilities design, construction and staffing assessment. —

"Sec. 709. Training and community education.

"Sec. 710. Behavioral health program.

"Sec. 711. Fetal alcohol disorder funding.

"Sec. 712. Child sexual abuse and prevention treatment programs.

"Sec. 713. Behavioral mental health research.

"Sec. 714. Definitions.

"Sec. 715. Authorization of appropriations.

"TITLE VIII—MISCELLANEOUS

"Sec. 801. Reports.

"Sec. 802. Regulations.

"Sec. 803. Plan of implementation.

"Sec. 804. Availability of funds.

"Sec. 805. Limitation on use of funds appropriated to the Indian Health Service.

"Sec. 806. Eligibility of California Indians.

"Sec. 807. Health services for ineligible persons.

"Sec. 808. Reallocation of base resources.

"Sec. 809. Results of demonstration projects.

"Sec. 810. Provision of services in Montana.

"Sec. 811. Moratorium.

"Sec. 812. Tribal employment.

"Sec. 813. Prime vendor.

"Sec. 814. National Bi-Partisan Commission on Indian Health Care Entitlement.

"Sec. 815. Appropriations; availability.

"Sec. 816. Authorization of appropriations.

**"SEC. 2. FINDINGS.**

"Congress makes the following findings:

"(1) Federal delivery of health services and funding of tribal and urban Indian health

programs to maintain and improve the health of the Indians are consonant with and required by the Federal Government's historical and unique legal relationship with the American Indian people, as reflected in the Constitution, treaties, Federal laws, and the course of dealings of the United States with Indian Tribes, and the United States' resulting government to government and trust responsibility and obligations to the American Indian people.

"(2) From the time of European occupation and colonization through the 20th century, the policies and practices of the United States caused or contributed to the severe health conditions of Indians.

"(3) Indian Tribes have, through the cession of over 400,000,000 acres of land to the United States in exchange for promises, often reflected in treaties, of health care secured a *de facto* contract that entitles Indians to health care in perpetuity, based on the moral, legal, and historic obligation of the United States.

"(4) The population growth of the Indian people that began in the later part of the 20th century increases the need for Federal health care services.

"(5) A major national goal of the United States is to provide the quantity and quality of health services which will permit the health status of Indians, regardless of where they live, to be raised to the highest possible level, a level that is not less than that of the general population, and to provide for the maximum participation of Indian Tribes, tribal organizations, and urban Indian organizations in the planning, delivery, and management of those services.

"(6) Federal health services to Indians have resulted in a reduction in the prevalence and incidence of illnesses among, and unnecessary and premature deaths of, Indians.

"(7) Despite such services, the unmet health needs of the American Indian people remain alarmingly severe, and even continue to increase, and the health status of the Indians is far below the health status of the general population of the United States.

"(8) The disparity in health status that is to be addressed is formidable. In death rates for example, Indian people suffer a death rate for diabetes mellitus that is 249 percent higher than the death rate for all races in the United States, a pneumonia and influenza death rate that is 71 percent higher, a tuberculosis death rate that is 533 percent higher, and a death rate from alcoholism that is 627 percent higher.

### **"SEC. 3. DECLARATION OF HEALTH OBJECTIVES.**

"Congress hereby declares that it is the policy of the United States, in fulfillment of its special trust responsibilities and legal obligations to the American Indian people—

"(1) to assure the highest possible health status for Indians and to provide all resources necessary to effect that policy;

"(2) to raise the health status of Indians by the year 2010 to at least the levels set forth in the goals contained within the Healthy People 2000, or any successor standards thereto;

"(3) in order to raise the health status of Indian people to at least the levels set forth in the goals contained within the Healthy People 2000, or any successor standards thereto, to permit Indian Tribes and tribal organizations to set their own health care priorities and establish goals that reflect their unmet needs;

"(4) to increase the proportion of all degrees in the health professions and allied and associated health professions awarded to Indians so that the proportion of Indian health professionals in each geographic service area is raised to at least the level of that of the general population;

"(5) to require meaningful, active consultation with Indian Tribes, Indian organizations, and urban Indian organizations to implement this Act and the national policy of Indian self-determination; and

"(6) that funds for health care programs and facilities operated by Tribes and tribal organizations be provided in amounts that are not less than the funds that are provided to programs and facilities operated directly by the Service.

### **"SEC. 4. DEFINITIONS.**

"In this Act:

"(1) ACCREDITED AND ACCESSIBLE.—The term 'accredited and accessible', with respect to an entity, means a community college or other appropriate entity that is on or near a reservation and accredited by a national or regional organization with accrediting authority.

"(2) AREA OFFICE.—The term 'area office' mean an administrative entity including a program office, within the Indian Health Service through which services and funds are provided to the service units within a defined geographic area.

"(3) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of the Indian Health as established under section 601.

"(4) CONTRACT HEALTH SERVICE.—The term 'contract health service' means a health service that is provided at the expense of the Service, Indian Tribe, or tribal organization by a public or private medical provider or hospital, other than a service funded under the Indian Self-Determination and Education Assistance Act or under this Act.

"(5) DEPARTMENT.—The term 'Department', unless specifically provided otherwise, means the Department of Health and Human Services.

"(6) FUND.—The terms 'fund' or 'funding' mean the transfer of monies from the Department to any eligible entity or individual under this Act by any legal means, including funding agreements, contracts, memoranda of understanding, Buy Indian Act contracts, or otherwise.

"(7) FUNDING AGREEMENT.—The term 'funding agreement' means any agreement to transfer funds for the planning, conduct, and administration of programs, functions, services and activities to Tribes and tribal organizations from the Secretary under the authority of the Indian Self-Determination and Education Assistance Act.

"(8) HEALTH PROFESSION.—The term 'health profession' means allopathic medicine, family medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynecology, podiatric medicine, nursing, public health nursing, dentistry, psychiatry, osteopathy, optometry, pharmacy, psychology, public health, social work, marriage and family therapy, chiropractic medicine, environmental health and engineering, and allied health professions, or any other health profession.

"(9) HEALTH PROMOTION; DISEASE PREVENTION.—The terms 'health promotion' and 'disease prevention' shall have the meanings given such terms in paragraphs (1) and (2) of section 203(c).

"(10) INDIAN.—The term 'Indian' and 'Indians' shall have meanings given such terms for purposes of the Indian Self-Determination and Education Assistance Act.

"(11) INDIAN HEALTH PROGRAM.—The term 'Indian health program' shall have the meaning given such term in section 110(a)(2)(A).

"(12) INDIAN TRIBE.—The term 'Indian tribe' shall have the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act.

"(13) RESERVATION.—The term 'reservation' means any Federally recognized Indian

tribe's reservation, Pueblo or colony, including former reservations in Oklahoma, Alaska Native Regions established pursuant to the Alaska Native Claims Settlement Act, and Indian allotments.

"(14) SECRETARY.—The term 'Secretary', unless specifically provided otherwise, means the Secretary of Health and Human Services.

"(15) SERVICE.—The term 'Service' means the Indian Health Service.

"(16) SERVICE AREA.—The term 'service area' means the geographical area served by each area office.

"(17) SERVICE UNIT.—The term 'service unit' means—

"(A) an administrative entity within the Indian Health Service; or

"(B) a tribe or tribal organization operating health care programs or facilities with funds from the Service under the Indian Self-Determination and Education Assistance Act, through which services are provided, directly or by contract, to the eligible Indian population within a defined geographic area.

"(18) TRADITIONAL HEALTH CARE PRACTICES.—The term 'traditional health care practices' means the application by Native healing practitioners of the Native healing sciences (as opposed or in contradistinction to western healing sciences) which embodies the influences or forces of innate tribal discovery, history, description, explanation and knowledge of the states of wellness and illness and which calls upon these influences or forces, including physical, mental, and spiritual forces in the promotion, restoration, preservation and maintenance of health, well-being, and life's harmony.

"(19) TRIBAL ORGANIZATION.—The term 'tribal organization' shall have the meaning given such term in section 4(l) of the Indian Self-Determination and Education Assistance Act.

"(20) TRIBALLY CONTROLLED COMMUNITY COLLEGE.—The term 'tribally controlled community college' shall have the meaning given such term in section 126 (g)(2).

"(21) URBAN CENTER.—The term 'urban center' means any community that has a sufficient urban Indian population with unmet health needs to warrant assistance under title V, as determined by the Secretary.

"(22) URBAN INDIAN.—The term 'urban Indian' means any individual who resides in an urban center and who—

"(A) regardless of whether such individual lives on or near a reservation, is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940;

"(B) is an Eskimo or Aleut or other Alaskan Native;

"(C) is considered by the Secretary of the Interior to be an Indian for any purpose; or

"(D) is determined to be an Indian under regulations promulgated by the Secretary.

"(23) URBAN INDIAN ORGANIZATION.—The term 'urban Indian organization' means a nonprofit corporate body situated in an urban center, governed by an urban Indian controlled board of directors, and providing for the participation of all interested Indian groups and individuals, and which is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in section 503(a).

## **"TITLE I—INDIAN HEALTH, HUMAN RESOURCES AND DEVELOPMENT**

### **"SEC. 101. PURPOSE.**

"The purpose of this title is to increase, to the maximum extent feasible, the number of Indians entering the health professions and providing health services, and to assure an optimum supply of health professionals to



the Service, Indian tribes, tribal organizations, and urban Indian organizations involved in the provision of health services to Indian people.

**"SEC. 102. GENERAL REQUIREMENTS.**

"(a) SERVICE AREA PRIORITIES.—Unless specifically provided otherwise, amounts appropriated for each fiscal year to carry out each program authorized under this title shall be allocated by the Secretary to the area office of each service area using a formula—

"(1) to be developed in consultation with Indian Tribes, tribal organizations and urban Indian organizations; and

"(2) that takes into account the human resource and development needs in each such service area.

"(b) CONSULTATION.—Each area office receiving funds under this title shall actively and continuously consult with representatives of Indian tribes, tribal organizations, and urban Indian organizations to prioritize the utilization of funds provided under this title within the service area.

"(c) REALLOCATION.—Unless specifically prohibited, an area office may reallocate funds provided to the office under this title among the programs authorized by this title, except that scholarship and loan repayment funds shall not be used for administrative functions or expenses.

"(d) LIMITATION.—This section shall not apply with respect to individual recipients of scholarships, loans or other funds provided under this title (as this title existed 1 day prior to the date of enactment of this Act) until such time as the individual completes the course of study that is supported through the use of such funds.

**"SEC. 103. HEALTH PROFESSIONS RECRUITMENT PROGRAM FOR INDIANS.**

"(a) IN GENERAL.—The Secretary, acting through the Service, shall make funds available through the area office to public or non-profit private health entities, or Indian tribes or tribal organizations to assist such entities in meeting the costs of—

"(1) identifying Indians with a potential for education or training in the health professions and encouraging and assisting them—

"(A) to enroll in courses of study in such health professions; or

"(B) if they are not qualified to enroll in any such courses of study, to undertake such postsecondary education or training as may be required to qualify them for enrollment;

"(2) publicizing existing sources of financial aid available to Indians enrolled in any course of study referred to in paragraph (1) or who are undertaking training necessary to qualify them to enroll in any such course of study; or

"(3) establishing other programs which the area office determines will enhance and facilitate the enrollment of Indians in, and the subsequent pursuit and completion by them of, courses of study referred to in paragraph (1).

"(b) ADMINISTRATIVE PROVISIONS.—

"(1) APPLICATION.—To be eligible to receive funds under this section an entity described in subsection (a) shall submit to the Secretary, through the appropriate area office, and have approved, an application in such form, submitted in such manner, and containing such information as the Secretary shall by regulation prescribe.

"(2) PREFERENCE.—In awarding funds under this section, the area office shall give a preference to applications submitted by Indian tribes, tribal organizations, or urban Indian organizations.

"(3) AMOUNT.—The amount of funds to be provided to an eligible entity under this section shall be determined by the area office. Payments under this section may be made in

advance or by way of reimbursement, and at such intervals and on such conditions as provided for in regulations promulgated pursuant to this Act.

"(4) TERMS.—A funding commitment under this section shall, to the extent not otherwise prohibited by law, be for a term of 3 years, as provided for in regulations promulgated pursuant to this Act.

"(c) DEFINITION.—For purposes of this section and sections 104 and 105, the terms 'Indian' and 'Indians' shall, in addition to the definition provided for in section 4, mean any individual who—

"(1) irrespective of whether such individual lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those Tribes, bands, or groups terminated since 1940;

"(2) is an Eskimo or Aleut or other Alaska Native;

"(3) is considered by the Secretary of the Interior to be an Indian for any purpose; or

"(4) is determined to be an Indian under regulations promulgated by the Secretary.

**"SEC. 104. HEALTH PROFESSIONS PREPARATORY SCHOLARSHIP PROGRAM FOR INDIANS.**

"(a) IN GENERAL.—The Secretary, acting through the Service, shall provide scholarships through the area offices to Indians who—

"(1) have successfully completed their high school education or high school equivalency; and

"(2) have demonstrated the capability to successfully complete courses of study in the health professions.

"(b) PURPOSE.—Scholarships provided under this section shall be for the following purposes:

"(1) Compensatory preprofessional education of any recipient. Such scholarship shall not exceed 2 years on a full-time basis (or the part-time equivalent thereof, as determined by the area office pursuant to regulations promulgated under this Act).

"(2) Pregraduate education of any recipient leading to a baccalaureate degree in an approved course of study preparatory to a field of study in a health profession, such scholarship not to exceed 4 years (or the part-time equivalent thereof, as determined by the area office pursuant to regulations promulgated under this Act) except that an extension of up to 2 years may be approved by the Secretary.

"(c) USE OF SCHOLARSHIP.—Scholarships made under this section may be used to cover costs of tuition, books, transportation, board, and other necessary related expenses of a recipient while attending school.

"(d) LIMITATIONS.—Scholarship assistance to an eligible applicant under this section shall not be denied solely on the basis of—

"(1) the applicant's scholastic achievement if such applicant has been admitted to, or maintained good standing at, an accredited institution; or

"(2) the applicant's eligibility for assistance or benefits under any other Federal program.

**"SEC. 105. INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.**

"(a) SCHOLARSHIPS.—

"(1) IN GENERAL.—In order to meet the needs of Indians, Indian tribes, tribal organizations, and urban Indian organizations for health professionals, the Secretary, acting through the Service and in accordance with this section, shall provide scholarships through the area offices to Indians who are enrolled full or part time in accredited schools and pursuing courses of study in the health professions. Such scholarships shall be designated Indian Health Scholarships and shall, except as provided in subsection (b), be made in accordance with section 338A

of the Public Health Service Act (42 U.S.C. 254l).

"(2) NO DELEGATION.—The Director of the Service shall administer this section and shall not delegate any administrative functions under a funding agreement pursuant to the Indian Self-Determination and Education Assistance Act.

"(b) ELIGIBILITY.—

"(1) ENROLLMENT.—An Indian shall be eligible for a scholarship under subsection (a) in any year in which such individual is enrolled full or part time in a course of study referred to in subsection (a)(1).

"(2) SERVICE OBLIGATION.—

"(A) PUBLIC HEALTH SERVICE ACT.—The active duty service obligation under a written contract with the Secretary under section 338A of the Public Health Service Act (42 U.S.C. 254l) that an Indian has entered into under that section shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice on an equivalent year for year obligation, by service—

"(i) in the Indian Health Service;

"(ii) in a program conducted under a funding agreement entered into under the Indian Self-Determination and Education Assistance Act;

"(iii) in a program assisted under title V; or

"(iv) in the private practice of the applicable profession if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

"(B) DEFERRING ACTIVE SERVICE.—At the request of any Indian who has entered into a contract referred to in subparagraph (A) and who receives a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

"(i) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service that is required under this section.

"(ii) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

"(iii) The active duty service obligation will be served in the health profession of that individual, in a manner consistent with clauses (i) through (iv) of subparagraph (A).

"(C) NEW SCHOLARSHIP RECIPIENTS.—A recipient of an Indian Health Scholarship that is awarded after December 31, 2001, shall meet the active duty service obligation under such scholarship by providing service within the service area from which the scholarship was awarded. In placing the recipient for active duty the area office shall give priority to the program that funded the recipient, except that in cases of special circumstances, a recipient may be placed in a different service area pursuant to an agreement between the areas or programs involved.

"(D) PRIORITY IN ASSIGNMENT.—Subject to subparagraph (C), the area office, in making assignments of Indian Health Scholarship recipients required to meet the active duty service obligation described in subparagraph (A), shall give priority to assigning individuals to service in those programs specified in

subparagraph (A) that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

“(3) PART TIME ENROLLMENT.—In the case of an Indian receiving a scholarship under this section who is enrolled part time in an approved course of study—

“(A) such scholarship shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the appropriate area office;

“(B) the period of obligated service described in paragraph (2)(A) shall be equal to the greater of—

“(i) the part-time equivalent of 1 year for each year for which the individual was provided a scholarship (as determined by the area office); or

“(ii) two years; and

“(C) the amount of the monthly stipend specified in section 338A(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254l(g)(1)(B)) shall be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled.

“(4) BREACH OF CONTRACT.—

“(A) IN GENERAL.—An Indian who has, on or after the date of the enactment of this paragraph, entered into a written contract with the area office pursuant to a scholarship under this section and who—

“(i) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

“(ii) is dismissed from such educational institution for disciplinary reasons;

“(iii) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

“(iv) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract;

in lieu of any service obligation arising under such contract, shall be liable to the United States for the amount which has been paid to him or her, or on his or her behalf, under the contract.

“(B) FAILURE TO PERFORM SERVICE OBLIGATION.—If for any reason not specified in subparagraph (A) an individual breaches his or her written contract by failing either to begin such individual's service obligation under this section or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

“(C) DEATH.—Upon the death of an individual who receives an Indian Health Scholarship, any obligation of that individual for service or payment that relates to that scholarship shall be canceled.

“(D) WAIVER.—The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary, in consultation with the appropriate area office, Indian tribe, tribal organization, and urban Indian organization, determines that—

“(i) it is not possible for the recipient to meet that obligation or make that payment;

“(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

“(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

“(E) HARDSHIP OR GOOD CAUSE.—Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

“(F) BANKRUPTCY.—Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.

“(G) FUNDING FOR TRIBES FOR SCHOLARSHIP PROGRAMS.—

“(1) PROVISION OF FUNDS.—

“(A) IN GENERAL.—The Secretary shall make funds available, through area offices, to Indian Tribes and tribal organizations for the purpose of assisting such Tribes and tribal organizations in educating Indians to serve as health professionals in Indian communities.

“(B) LIMITATION.—The Secretary shall ensure that amounts available for grants under subparagraph (A) for any fiscal year shall not exceed an amount equal to 5 percent of the amount available for each fiscal year for Indian Health Scholarships under this section.

“(C) APPLICATION.—An application for funds under subparagraph (A) shall be in such form and contain such agreements, assurances and information as consistent with this section.

“(2) REQUIREMENTS.—

“(A) IN GENERAL.—An Indian Tribe or tribal organization receiving funds under paragraph (1) shall agree to provide scholarships to Indians in accordance with the requirements of this subsection.

“(B) MATCHING REQUIREMENT.—With respect to the costs of providing any scholarship pursuant to subparagraph (A)—

“(i) 80 percent of the costs of the scholarship shall be paid from the funds provided under paragraph (1) to the Indian Tribe or tribal organization; and

“(ii) 20 percent of such costs shall be paid from any other source of funds.

“(3) ELIGIBILITY.—An Indian Tribe or tribal organization shall provide scholarships under this subsection only to Indians who are enrolled or accepted for enrollment in a course of study (approved by the Secretary) in one of the health professions described in this Act.

“(4) CONTRACTS.—In providing scholarships under paragraph (1), the Secretary and the Indian Tribe or tribal organization shall enter into a written contract with each recipient of such scholarship. Such contract shall—

“(A) obligate such recipient to provide service in an Indian health program (as defined in section 110(a)(2)(A)) in the same service area where the Indian Tribe or tribal organization providing the scholarship is located, for—

“(i) a number of years equal to the number of years for which the scholarship is provided (or the part-time equivalent thereof, as determined by the Secretary), or for a period of 2 years, whichever period is greater; or

“(ii) such greater period of time as the recipient and the Indian Tribe or tribal organization may agree;

“(B) provide that the scholarship—

“(i) may only be expended for—

“(I) tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attendance at the educational institution; and

“(II) payment to the recipient of a monthly stipend of not more than the amount authorized by section 338(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254m(g)(1)(B)), such amount to be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled, and may not exceed, for any year of attendance which the scholarship is provided, the total amount required for the year for the purposes authorized in this clause; and

“(ii) may not exceed, for any year of attendance which the scholarship is provided, the total amount required for the year for the purposes authorized in clause (i);

“(C) require the recipient of such scholarship to maintain an acceptable level of academic standing as determined by the educational institution in accordance with regulations issued pursuant to this Act; and

“(D) require the recipient of such scholarship to meet the educational and licensure requirements appropriate to the health profession involved.

“(5) BREACH OF CONTRACT.—

“(A) IN GENERAL.—An individual who has entered into a written contract with the Secretary and an Indian Tribe or tribal organization under this subsection and who—

“(i) fails to maintain an acceptable level of academic standing in the education institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

“(ii) is dismissed from such education for disciplinary reasons;

“(iii) voluntarily terminates the training in such an educational institution for which he or she has been provided a scholarship under such contract before the completion of such training; or

“(iv) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract; shall be liable to the United States for the Federal share of the amount which has been paid to him or her, or on his or her behalf, under the contract.

“(B) FAILURE TO PERFORM SERVICE OBLIGATION.—If for any reason not specified in subparagraph (A), an individual breaches his or her written contract by failing to either begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

“(C) INFORMATION.—The Secretary may carry out this subsection on the basis of information received from Indian Tribes or tribal organizations involved, or on the basis of information collected through such other means as the Secretary deems appropriate.

“(6) REQUIRED AGREEMENTS.—The recipient of a scholarship under paragraph (1) shall agree, in providing health care pursuant to the requirements of this subsection—

“(A) not to discriminate against an individual seeking care on the basis of the ability of the individual to pay for such care or on the basis that payment for such care will be made pursuant to the program established in title XVIII of the Social Security Act or pursuant to the programs established in title XIX of such Act; and

“(B) to accept assignment under section 1842(b)(3)(B)(ii) of the Social Security Act for all services for which payment may be made under part B of title XVIII of such Act, and to enter into an appropriate agreement with the State agency that administers the State plan for medical assistance under title XIX

of such Act to provide service to individuals entitled to medical assistance under the plan.

“(7) PAYMENTS.—The Secretary, through the area office, shall make payments under this subsection to an Indian Tribe or tribal organization for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary or area office determines that, for the immediately preceding fiscal year, the Indian Tribe or tribal organization has not complied with the requirements of this subsection.

**“SEC. 106. AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM.**

“(a) IN GENERAL.—Notwithstanding section 102, the Secretary shall provide funds to at least 3 colleges and universities for the purpose of developing and maintaining American Indian psychology career recruitment programs as a means of encouraging Indians to enter the mental health field. These programs shall be located at various colleges and universities throughout the country to maximize their availability to Indian students and new programs shall be established in different locations from time to time.

“(b) QUENTIN N. BURDICK AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM.—The Secretary shall provide funds under subsection (a) to develop and maintain a program at the University of North Dakota to be known as the ‘Quentin N. Burdick American Indians Into Psychology Program’. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Nursing Program authorized under section 115, the Quentin N. Burdick Indians into Health Program authorized under section 117, and existing university research and communications networks.

“(c) REQUIREMENTS.—

“(1) REGULATIONS.—The Secretary shall promulgate regulations pursuant to this Act for the competitive awarding of funds under this section.

“(2) PROGRAM.—Applicants for funds under this section shall agree to provide a program which, at a minimum—

“(A) provides outreach and recruitment for health professions to Indian communities including elementary, secondary and accredited and accessible community colleges that will be served by the program;

“(B) incorporates a program advisory board comprised of representatives from the Tribes and communities that will be served by the program;

“(C) provides summer enrichment programs to expose Indian students to the various fields of psychology through research, clinical, and experimental activities;

“(D) provides stipends to undergraduate and graduate students to pursue a career in psychology;

“(E) develops affiliation agreements with tribal community colleges, the Service, university affiliated programs, and other appropriate accredited and accessible entities to enhance the education of Indian students;

“(F) utilizes, to the maximum extent feasible, existing university tutoring, counseling and student support services; and

“(G) employs, to the maximum extent feasible, qualified Indians in the program.

“(d) ACTIVE DUTY OBLIGATION.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each graduate who receives a stipend described in subsection (c)(2)(C) that is funded under this section. Such obligation shall be met by service—

“(1) in the Indian Health Service;

“(2) in a program conducted under a funding agreement contract entered into under the Indian Self-Determination and Education Assistance Act;

“(3) in a program assisted under title V; or

“(4) in the private practice of psychology if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

**“SEC. 107. INDIAN HEALTH SERVICE EXTERN PROGRAMS.**

“(a) IN GENERAL.—Any individual who receives a scholarship pursuant to section 105 shall be entitled to employment in the Service, or may be employed by a program of an Indian tribe, tribal organization, or urban Indian organization, or other agency of the Department as may be appropriate and available, during any nonacademic period of the year. Periods of employment pursuant to this subsection shall not be counted in determining the fulfillment of the service obligation incurred as a condition of the scholarship.

“(b) ENROLLEES IN COURSE OF STUDY.—Any individual who is enrolled in a course of study in the health professions may be employed by the Service or by an Indian tribe, tribal organization, or urban Indian organization, during any nonacademic period of the year. Any such employment shall not exceed 120 days during any calendar year.

“(c) HIGH SCHOOL PROGRAMS.—Any individual who is in a high school program authorized under section 103(a) may be employed by the Service, or by an Indian Tribe, tribal organization, or urban Indian organization, during any nonacademic period of the year. Any such employment shall not exceed 120 days during any calendar year.

“(d) ADMINISTRATIVE PROVISIONS.—Any employment pursuant to this section shall be made without regard to any competitive personnel system or agency personnel limitation and to a position which will enable the individual so employed to receive practical experience in the health profession in which he or she is engaged in study. Any individual so employed shall receive payment for his or her services comparable to the salary he or she would receive if he or she were employed in the competitive system. Any individual so employed shall not be counted against any employment ceiling affecting the Service or the Department.

**“SEC. 108. CONTINUING EDUCATION ALLOWANCES.**

“In order to encourage health professionals, including for purposes of this section, community health representatives and emergency medical technicians, to join or continue in the Service or in any program of an Indian tribe, tribal organization, or urban Indian organization and to provide their services in the rural and remote areas where a significant portion of the Indian people reside, the Secretary, acting through the area offices, may provide allowances to health professionals employed in the Service or such a program to enable such professionals to take leave of their duty stations for a period of time each year (as prescribed by regulations of the Secretary) for professional consultation and refresher training courses.

**“SEC. 109. COMMUNITY HEALTH REPRESENTATIVE PROGRAM.**

“(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Secretary shall maintain a Community Health Representative Program under which the Service, Indian tribes and tribal organizations—

“(1) provide for the training of Indians as community health representatives; and

“(2) use such community health representatives in the provision of health care, health promotion, and disease prevention services to Indian communities.

“(b) ACTIVITIES.—The Secretary, acting through the Community Health Representative Program, shall—

“(1) provide a high standard of training for community health representatives to ensure that the community health representatives provide quality health care, health promotion, and disease prevention services to the Indian communities served by such Program;

“(2) in order to provide such training, develop and maintain a curriculum that—

“(A) combines education in the theory of health care with supervised practical experience in the provision of health care; and

“(B) provides instruction and practical experience in health promotion and disease prevention activities, with appropriate consideration given to lifestyle factors that have an impact on Indian health status, such as alcoholism, family dysfunction, and poverty;

“(3) maintain a system which identifies the needs of community health representatives for continuing education in health care, health promotion, and disease prevention and maintain programs that meet the needs for such continuing education;

“(4) maintain a system that provides close supervision of community health representatives;

“(5) maintain a system under which the work of community health representatives is reviewed and evaluated; and

“(6) promote traditional health care practices of the Indian tribes served consistent with the Service standards for the provision of health care, health promotion, and disease prevention.

**“SEC. 110. INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM.**

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary, acting through the Service, shall establish a program to be known as the Indian Health Service Loan Repayment Program (referred to in this Act as the ‘Loan Repayment Program’) in order to assure an adequate supply of trained health professionals necessary to maintain accreditation of, and provide health care services to Indians through, Indian health programs.

“(2) DEFINITIONS.—In this section:

“(A) INDIAN HEALTH PROGRAM.—The term ‘Indian health program’ means any health program or facility funded, in whole or part, by the Service for the benefit of Indians and administered—

“(i) directly by the Service;

“(ii) by any Indian tribe or tribal or Indian organization pursuant to a funding agreement under—

“(I) the Indian Self-Determination and Educational Assistance Act; or

“(II) section 23 of the Act of April 30, 1908 (25 U.S.C. 47) (commonly known as the ‘Buy-Indian Act’); or

“(iii) by an urban Indian organization pursuant to title V.

“(B) STATE.—The term ‘State’ has the same meaning given such term in section 331(i)(4) of the Public Health Service Act.

“(b) ELIGIBILITY.—To be eligible to participate in the Loan Repayment Program, an individual must—

“(1)(A) be enrolled—

“(i) in a course of study or program in an accredited institution, as determined by the Secretary, within any State and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or

“(ii) in an approved graduate training program in a health profession; or

“(B) have—

“(i) a degree in a health profession; and

“(ii) a license to practice a health profession in a State;

"(2)(A) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Public Health Service;

"(B) be eligible for selection for civilian service in the Regular or Reserve Corps of the Public Health Service;

"(C) meet the professional standards for civil service employment in the Indian Health Service; or

"(D) be employed in an Indian health program without a service obligation; and

"(3) submit to the Secretary an application for a contract described in subsection (f).

"(c) FORMS.—

"(1) IN GENERAL.—In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under subsection (l) in the case of the individual's breach of the contract. The Secretary shall provide such individuals with sufficient information regarding the advantages and disadvantages of service as a commissioned officer in the Regular or Reserve Corps of the Public Health Service or a civilian employee of the Indian Health Service to enable the individual to make a decision on an informed basis.

"(2) FORMS TO BE UNDERSTANDABLE.—The application form, contract form, and all other information furnished by the Secretary under this section shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program.

"(3) AVAILABILITY.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

"(d) PRIORITY.—

"(1) ANNUAL DETERMINATIONS.—The Secretary, acting through the Service and in accordance with subsection (k), shall annually—

"(A) identify the positions in each Indian health program for which there is a need or a vacancy; and

"(B) rank those positions in order of priority.

"(2) PRIORITY IN APPROVAL.—Consistent with the priority determined under paragraph (1), the Secretary, in determining which applications under the Loan Repayment Program to approve (and which contracts to accept), shall give priority to applications made by—

"(A) Indians; and

"(B) individuals recruited through the efforts an Indian tribe, tribal organization, or urban Indian organization.

"(e) CONTRACTS.—

"(1) IN GENERAL.—An individual becomes a participant in the Loan Repayment Program only upon the Secretary and the individual entering into a written contract described in subsection (f).

"(2) NOTICE.—Not later than 21 days after considering an individual for participation in the Loan Repayment Program under paragraph (1), the Secretary shall provide written notice to the individual of—

"(A) the Secretary's approving of the individual's participation in the Loan Repayment Program, including extensions resulting in an aggregate period of obligated service in excess of 4 years; or

"(B) the Secretary's disapproving an individual's participation in such Program.

"(f) WRITTEN CONTRACT.—The written contract referred to in this section between the Secretary and an individual shall contain—

"(1) an agreement under which—

"(A) subject to paragraph (3), the Secretary agrees—

"(i) to pay loans on behalf of the individual in accordance with the provisions of this section; and

"(ii) to accept (subject to the availability of appropriated funds for carrying out this section) the individual into the Service or place the individual with a tribe, tribal organization, or urban Indian organization as provided in subparagraph (B)(iii); and

"(B) subject to paragraph (3), the individual agrees—

"(i) to accept loan payments on behalf of the individual;

"(ii) in the case of an individual described in subsection (b)(1)—

"(I) to maintain enrollment in a course of study or training described in subsection (b)(1)(A) until the individual completes the course of study or training; and

"(II) while enrolled in such course of study or training, to maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training);

"(iii) to serve for a time period (referred to in this section as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to serve in the full-time clinical practice of such individual's profession in an Indian health program to which the individual may be assigned by the Secretary;

"(2) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under paragraph (1)(B)(iii);

"(3) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual which is conditioned thereon is contingent upon funds being appropriated for loan repayments under this section;

"(4) a statement of the damages to which the United States is entitled under subsection (l) for the individual's breach of the contract; and

"(5) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.

"(g) LOAN REPAYMENTS.—

"(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; and

"(C) reasonable living expenses as determined by the Secretary.

"(2) AMOUNT OF PAYMENT.—

"(A) IN GENERAL.—For each year of obligated service that an individual contracts to serve under subsection (f) the Secretary may pay up to \$35,000 (or an amount equal to the amount specified in section 338B(g)(2)(A) of the Public Health Service Act) on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay for a year of such service by an individual, the Secretary shall consider

the extent to which each such determination—

"(i) affects the ability of the Secretary to maximize the number of contracts that can be provided under the Loan Repayment Program from the amounts appropriated for such contracts;

"(ii) provides an incentive to serve in Indian health programs with the greatest shortages of health professionals; and

"(iii) provides an incentive with respect to the health professional involved remaining in an Indian health program with such a health professional shortage, and continuing to provide primary health services, after the completion of the period of obligated service under the Loan Repayment Program.

"(B) TIME FOR PAYMENT.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made not later than the end of the fiscal year in which the individual completes such year of service.

"(3) SCHEDULE FOR PAYMENTS.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Loan Repayment Program to establish a schedule for the making of such payments.

"(h) COUNTING OF INDIVIDUALS.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section, while undergoing academic training, shall not be counted against any employment ceiling affecting the Department.

"(i) RECRUITING PROGRAMS.—The Secretary shall conduct recruiting programs for the Loan Repayment Program and other health professional programs of the Service at educational institutions training health professionals or specialists identified in subsection (a).

"(j) NONAPPLICATION OF CERTAIN PROVISION.—Section 214 of the Public Health Service Act (42 U.S.C. 215) shall not apply to individuals during their period of obligated service under the Loan Repayment Program.

"(k) ASSIGNMENT OF INDIVIDUALS.—The Secretary, in assigning individuals to serve in Indian health programs pursuant to contracts entered into under this section, shall—

"(1) ensure that the staffing needs of Indian health programs administered by an Indian tribe or tribal or health organization receive consideration on an equal basis with programs that are administered directly by the Service; and

"(2) give priority to assigning individuals to Indian health programs that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

"(l) BREACH OF CONTRACT.—

"(1) IN GENERAL.—An individual who has entered into a written contract with the Secretary under this section and who—

"(A) is enrolled in the final year of a course of study and who—

"(i) fails to maintain an acceptable level of academic standing in the educational institution in which he is enrolled (such level determined by the educational institution under regulations of the Secretary);

"(ii) voluntarily terminates such enrollment; or

"(iii) is dismissed from such educational institution before completion of such course of study; or

"(B) is enrolled in a graduate training program, and who fails to complete such training program, and does not receive a waiver from the Secretary under subsection (b)(1)(B)(ii),

shall be liable, in lieu of any service obligation arising under such contract, to the United States for the amount which has been paid on such individual's behalf under the contract.

"(2) AMOUNT OF RECOVERY.—If, for any reason not specified in paragraph (1), an individual breaches his written contract under this section by failing either to begin, or complete, such individual's period of obligated service in accordance with subsection (f), the United States shall be entitled to recover from such individual an amount to be determined in accordance with the following formula:

$$A=3Z(t-s/t)$$

in which—

"(A) 'A' is the amount the United States is entitled to recover;

"(B) 'Z' is the sum of the amounts paid under this section to, or on behalf of, the individual and the interest on such amounts which would be payable if, at the time the amounts were paid, they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States;

"(C) 't' is the total number of months in the individual's period of obligated service in accordance with subsection (f); and

"(D) 's' is the number of months of such period served by such individual in accordance with this section.

Amounts not paid within such period shall be subject to collection through deductions in Medicare payments pursuant to section 1892 of the Social Security Act.

"(3) DAMAGES.—

"(A) TIME FOR PAYMENT.—Any amount of damages which the United States is entitled to recover under this subsection shall be paid to the United States within the 1-year period beginning on the date of the breach of contract or such longer period beginning on such date as shall be specified by the Secretary.

"(B) DELINQUENCIES.—If damages described in subparagraph (A) are delinquent for 3 months, the Secretary shall, for the purpose of recovering such damages—

"(i) utilize collection agencies contracted with by the Administrator of the General Services Administration; or

"(ii) enter into contracts for the recovery of such damages with collection agencies selected by the Secretary.

"(C) CONTRACTS FOR RECOVERY OF DAMAGES.—Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once each 6 months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31, United States Code, shall apply to any such contract to the extent not inconsistent with this subsection.

"(m) CANCELLATION, WAIVER OR RELEASE.—

"(1) CANCELLATION.—Any obligation of an individual under the Loan Repayment Program for service or payment of damages shall be canceled upon the death of the individual.

"(2) WAIVER OF SERVICE OBLIGATION.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment by an individual under the Loan Repayment Program whenever compliance by the individual is impossible or would involve extreme hardship to the individual and if enforcement of such obligation with respect to any individual would be unconscionable.

"(3) WAIVER OF RIGHTS OF UNITED STATES.—The Secretary may waive, in whole or in part, the rights of the United States to recover amounts under this section in any case

of extreme hardship or other good cause shown, as determined by the Secretary.

"(4) RELEASE.—Any obligation of an individual under the Loan Repayment Program for payment of damages may be released by a discharge in bankruptcy under title 11 of the United States Code only if such discharge is granted after the expiration of the 5-year period beginning on the first date that payment of such damages is required, and only if the bankruptcy court finds that non-discharge of the obligation would be unconscionable.

"(n) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be submitted to the Congress under section 801, a report concerning the previous fiscal year which sets forth—

"(1) the health professional positions maintained by the Service or by tribal or Indian organizations for which recruitment or retention is difficult;

"(2) the number of Loan Repayment Program applications filed with respect to each type of health profession;

"(3) the number of contracts described in subsection (f) that are entered into with respect to each health profession;

"(4) the amount of loan payments made under this section, in total and by health profession;

"(5) the number of scholarship grants that are provided under section 105 with respect to each health profession;

"(6) the amount of scholarship grants provided under section 105, in total and by health profession;

"(7) the number of providers of health care that will be needed by Indian health programs, by location and profession, during the 3 fiscal years beginning after the date the report is filed; and

"(8) the measures the Secretary plans to take to fill the health professional positions maintained by the Service or by tribes, tribal organizations, or urban Indian organizations for which recruitment or retention is difficult.

#### "SEC. 111. SCHOLARSHIP AND LOAN REPAYMENT RECOVERY FUND.

"(a) ESTABLISHMENT.—Notwithstanding section 102, there is established in the Treasury of the United States a fund to be known as the Indian Health Scholarship and Loan Repayment Recovery Fund (referred to in this section as the 'LRRF'). The LRRF Fund shall consist of—

"(1) such amounts as may be collected from individuals under subparagraphs (A) and (B) of section 105(b)(4) and section 110(l) for breach of contract;

"(2) such funds as may be appropriated to the LRRF;

"(3) such interest earned on amounts in the LRRF; and

"(4) such additional amounts as may be collected, appropriated, or earned relative to the LRRF.

Amounts appropriated to the LRRF shall remain available until expended.

"(b) USE OF LRRF.—

"(1) IN GENERAL.—Amounts in the LRRF may be expended by the Secretary, subject to section 102, acting through the Service, to make payments to the Service or to an Indian tribe or tribal organization administering a health care program pursuant to a funding agreement entered into under the Indian Self-Determination and Education Assistance Act—

"(A) to which a scholarship recipient under section 105 or a loan repayment program participant under section 110 has been assigned to meet the obligated service requirements pursuant to sections; and

"(B) that has a need for a health professional to provide health care services as a result of such recipient or participant having

breached the contract entered into under section 105 or section 110.

"(2) SCHOLARSHIPS AND RECRUITING.—An Indian tribe or tribal organization receiving payments pursuant to paragraph (1) may expend the payments to provide scholarships or to recruit and employ, directly or by contract, health professionals to provide health care services.

"(c) INVESTING OF FUND.—

"(1) IN GENERAL.—The Secretary of the Treasury shall invest such amounts of the LRRF as the Secretary determines are not required to meet current withdrawals from the LRRF. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

"(2) SALE PRICE.—Any obligation acquired by the LRRF may be sold by the Secretary of the Treasury at the market price.

#### "SEC. 112. RECRUITMENT ACTIVITIES.

"(a) REIMBURSEMENT OF EXPENSES.—The Secretary may reimburse health professionals seeking positions in the Service, Indian tribes, tribal organizations, or urban Indian organizations, including unpaid student volunteers and individuals considering entering into a contract under section 110, and their spouses, for actual and reasonable expenses incurred in traveling to and from their places of residence to an area in which they may be assigned for the purpose of evaluating such area with respect to such assignment.

"(b) ASSIGNMENT OF PERSONNEL.—The Secretary, acting through the Service, shall assign one individual in each area office to be responsible on a full-time basis for recruitment activities.

#### "SEC. 113. TRIBAL RECRUITMENT AND RETENTION PROGRAM.

"(a) FUNDING OF PROJECTS.—The Secretary, acting through the Service, shall fund innovative projects for a period not to exceed 3 years to enable Indian tribes, tribal organizations, and urban Indian organizations to recruit, place, and retain health professionals to meet the staffing needs of Indian health programs (as defined in section 110(a)(2)(A)).

"(b) ELIGIBILITY.—Any Indian tribe, tribal organization, or urban Indian organization may submit an application for funding of a project pursuant to this section.

#### "SEC. 114. ADVANCED TRAINING AND RESEARCH.

"(a) DEMONSTRATION PROJECT.—The Secretary, acting through the Service, shall establish a demonstration project to enable health professionals who have worked in an Indian health program (as defined in section 110) for a substantial period of time to pursue advanced training or research in areas of study for which the Secretary determines a need exists.

"(b) SERVICE OBLIGATION.—

"(1) IN GENERAL.—An individual who participates in the project under subsection (a), where the educational costs are borne by the Service, shall incur an obligation to serve in an Indian health program for a period of obligated service equal to at least the period of time during which the individual participates in such project.

"(2) FAILURE TO COMPLETE SERVICE.—In the event that an individual fails to complete a period of obligated service under paragraph (1), the individual shall be liable to the United States for the period of service remaining. In such event, with respect to individuals entering the project after the date of the enactment of this Act, the United States shall be entitled to recover from such individual an amount to be determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

“(c) OPPORTUNITY TO PARTICIPATE.—Health professionals from Indian tribes, tribal organizations, and urban Indian organizations under the authority of the Indian Self-Determination and Education Assistance Act shall be given an equal opportunity to participate in the program under subsection (a).

**“SEC. 115. NURSING PROGRAMS; QUENTIN N. BURDICK AMERICAN INDIANS INTO NURSING PROGRAM.**

“(a) GRANTS.—Notwithstanding section 102, the Secretary, acting through the Service, shall provide funds to—

“(1) public or private schools of nursing;

“(2) tribally controlled community colleges and tribally controlled postsecondary vocational institutions (as defined in section 390(2) of the Tribally Controlled Vocational Institutions Support Act of 1990 (20 U.S.C. 2397h(2)); and

“(3) nurse midwife programs, and advance practice nurse programs, that are provided by any tribal college accredited nursing program, or in the absence of such, any other public or private institution, for the purpose of increasing the number of nurses, nurse midwives, and nurse practitioners who deliver health care services to Indians.

“(b) USE OF GRANTS.—Funds provided under subsection (a) may be used to—

“(1) recruit individuals for programs which train individuals to be nurses, nurse midwives, or advanced practice nurses;

“(2) provide scholarships to Indian individuals enrolled in such programs that may be used to pay the tuition charged for such program and for other expenses incurred in connection with such program, including books, fees, room and board, and stipends for living expenses;

“(3) provide a program that encourages nurses, nurse midwives, and advanced practice nurses to provide, or continue to provide, health care services to Indians;

“(4) provide a program that increases the skills of, and provides continuing education to, nurses, nurse midwives, and advanced practice nurses; or

“(5) provide any program that is designed to achieve the purpose described in subsection (a).

“(c) APPLICATIONS.—Each application for funds under subsection (a) shall include such information as the Secretary may require to establish the connection between the program of the applicant and a health care facility that primarily serves Indians.

“(d) PREFERENCES.—In providing funds under subsection (a), the Secretary shall extend a preference to—

“(1) programs that provide a preference to Indians;

“(2) programs that train nurse midwives or advanced practice nurses;

“(3) programs that are interdisciplinary; and

“(4) programs that are conducted in cooperation with a center for gifted and talented Indian students established under section 5324(a) of the Indian Education Act of 1988.

“(e) QUENTIN N. BURDICK AMERICAN INDIANS INTO NURSING PROGRAM.—The Secretary shall ensure that a portion of the funds authorized under subsection (a) is made available to establish and maintain a program at the University of North Dakota to be known as the ‘Quentin N. Burdick American Indians Into Nursing Program’. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Psychology Program established under section 106(b) and the Quentin N. Burdick Indian Health Programs established under section 117(b).

“(f) SERVICE OBLIGATION.—The active duty service obligation prescribed under section

338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each individual who receives training or assistance described in paragraph (1) or (2) of subsection (b) that is funded under subsection (a). Such obligation shall be met by service—

“(1) in the Indian Health Service;

“(2) in a program conducted under a contract entered into under the Indian Self-Determination and Education assistance Act;

“(3) in a program assisted under title V; or

“(4) in the private practice of nursing if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

**“SEC. 116. TRIBAL CULTURE AND HISTORY.**

“(a) IN GENERAL.—The Secretary, acting through the Service, shall require that appropriate employees of the Service who serve Indian tribes in each service area receive educational instruction in the history and culture of such tribes and their relationship to the Service.

“(b) REQUIREMENTS.—To the extent feasible, the educational instruction to be provided under subsection (a) shall—

“(1) be provided in consultation with the affected tribal governments, tribal organizations, and urban Indian organizations;

“(2) be provided through tribally-controlled community colleges (within the meaning of section 2(4) of the Tribally Controlled Community College Assistance Act of 1978) and tribally controlled postsecondary vocational institutions (as defined in section 390(2) of the Tribally Controlled Vocational Institutions Support Act of 1990 (20 U.S.C. 2397h(2)); and

“(3) include instruction in Native American studies.

**“SEC. 117. INMED PROGRAM.**

“(a) GRANTS.—The Secretary may provide grants to 3 colleges and universities for the purpose of maintaining and expanding the Native American health careers recruitment program known as the ‘Indians into Medicine Program’ (referred to in this section as ‘INMED’) as a means of encouraging Indians to enter the health professions.

“(b) QUENTIN N. BURDICK INDIAN HEALTH PROGRAM.—The Secretary shall provide 1 of the grants under subsection (a) to maintain the INMED program at the University of North Dakota, to be known as the ‘Quentin N. Burdick Indian Health Program’, unless the Secretary makes a determination, based upon program reviews, that the program is not meeting the purposes of this section. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Psychology Program established under section 106(b) and the Quentin N. Burdick American Indians Into Nursing Program established under section 115.

“(c) REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary shall develop regulations to govern grants under to this section.

“(2) PROGRAM REQUIREMENTS.—Applicants for grants provided under this section shall agree to provide a program that—

“(A) provides outreach and recruitment for health professions to Indian communities including elementary, secondary and community colleges located on Indian reservations which will be served by the program;

“(B) incorporates a program advisory board comprised of representatives from the tribes and communities which will be served by the program;

“(C) provides summer preparatory programs for Indian students who need enrichment in the subjects of math and science in

order to pursue training in the health professions;

“(D) provides tutoring, counseling and support to students who are enrolled in a health career program of study at the respective college or university; and

“(E) to the maximum extent feasible, employs qualified Indians in the program.

**“SEC. 118. HEALTH TRAINING PROGRAMS OF COMMUNITY COLLEGES.**

“(a) ESTABLISHMENT GRANTS.—

“(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges for the purpose of assisting such colleges in the establishment of programs which provide education in a health profession leading to a degree or diploma in a health profession for individuals who desire to practice such profession on an Indian reservation, in the Service, or in a tribal health program.

“(2) AMOUNT.—The amount of any grant awarded to a community college under paragraph (1) for the first year in which such a grant is provided to the community college shall not exceed \$100,000.

“(b) CONTINUATION GRANTS.—

“(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges that have established a program described in subsection (a)(1) for the purpose of maintaining the program and recruiting students for the program.

“(2) ELIGIBILITY.—Grants may only be made under this subsection to a community college that—

“(A) is accredited;

“(B) has a relationship with a hospital facility, Service facility, or hospital that could provide training of nurses or health professionals;

“(C) has entered into an agreement with an accredited college or university medical school, the terms of which—

“(i) provide a program that enhances the transition and recruitment of students into advanced baccalaureate or graduate programs which train health professionals; and

“(ii) stipulate certifications necessary to approve internship and field placement opportunities at health programs of the Service or at tribal health programs;

“(D) has a qualified staff which has the appropriate certifications;

“(E) is capable of obtaining State or regional accreditation of the program described in subsection (a)(1); and

“(F) agrees to provide for Indian preference for applicants for programs under this section.

“(c) SERVICE PERSONNEL AND TECHNICAL ASSISTANCE.—The Secretary shall encourage community colleges described in subsection (b)(2) to establish and maintain programs described in subsection (a)(1) by—

“(1) entering into agreements with such colleges for the provision of qualified personnel of the Service to teach courses of study in such programs, and

“(2) providing technical assistance and support to such colleges.

“(d) SPECIFIED COURSES OF STUDY.—Any program receiving assistance under this section that is conducted with respect to a health profession shall also offer courses of study which provide advanced training for any health professional who—

“(1) has already received a degree or diploma in such health profession; and

“(2) provides clinical services on an Indian reservation, at a Service facility, or at a tribal clinic.

Such courses of study may be offered in conjunction with the college or university with which the community college has entered

into the agreement required under subsection (b)(2)(C).

"(e) PRIORITY.—Priority shall be provided under this section to tribally controlled colleges in service areas that meet the requirements of subsection (b).

"(f) DEFINITIONS.—In this section:

"(1) COMMUNITY COLLEGE.—The term 'community college' means—

"(A) a tribally controlled community college; or

"(B) a junior or community college.

"(2) JUNIOR OR COMMUNITY COLLEGE.—The term 'junior or community college' has the meaning given such term by section 312(e) of the Higher Education Act of 1965 (20 U.S.C. 1058(e)).

"(3) TRIBALLY CONTROLLED COLLEGE.—The term 'tribally controlled college' has the meaning given the term 'tribally controlled community college' by section 2(4) of the Tribally Controlled Community College Assistance Act of 1978.

#### **"SEC. 119. RETENTION BONUS.**

"(a) IN GENERAL.—The Secretary may pay a retention bonus to any health professional employed by, or assigned to, and serving in, the Service, an Indian tribe, a tribal organization, or an urban Indian organization either as a civilian employee or as a commissioned officer in the Regular or Reserve Corps of the Public Health Service who—

"(1) is assigned to, and serving in, a position for which recruitment or retention of personnel is difficult;

"(2) the Secretary determines is needed by the Service, tribe, tribal organization, or urban organization;

"(3) has—

"(A) completed 3 years of employment with the Service; tribe, tribal organization, or urban organization; or

"(B) completed any service obligations incurred as a requirement of—

"(i) any Federal scholarship program; or

"(ii) any Federal education loan repayment program; and

"(4) enters into an agreement with the Service, Indian tribe, tribal organization, or urban Indian organization for continued employment for a period of not less than 1 year.

"(b) RATES.—The Secretary may establish rates for the retention bonus which shall provide for a higher annual rate for multiyear agreements than for single year agreements referred to in subsection (a)(4), but in no event shall the annual rate be more than \$25,000 per annum.

"(c) FAILURE TO COMPLETE TERM OF SERVICE.—Any health professional failing to complete the agreed upon term of service, except where such failure is through no fault of the individual, shall be obligated to refund to the Government the full amount of the retention bonus for the period covered by the agreement, plus interest as determined by the Secretary in accordance with section 110(l)(2)(B).

"(d) FUNDING AGREEMENT.—The Secretary may pay a retention bonus to any health professional employed by an organization providing health care services to Indians pursuant to a funding agreement under the Indian Self-Determination and Education Assistance Act if such health professional is serving in a position which the Secretary determines is—

"(1) a position for which recruitment or retention is difficult; and

"(2) necessary for providing health care services to Indians.

#### **"SEC. 120. NURSING RESIDENCY PROGRAM.**

"(a) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish a program to enable Indians who are licensed practical nurses, licensed vocational nurses, and registered nurses who are working in an

Indian health program (as defined in section 110(a)(2)(A)), and have done so for a period of not less than 1 year, to pursue advanced training.

"(b) REQUIREMENT.—The program established under subsection (a) shall include a combination of education and work study in an Indian health program (as defined in section 110(a)(2)(A)) leading to an associate or bachelor's degree (in the case of a licensed practical nurse or licensed vocational nurse) or a bachelor's degree (in the case of a registered nurse) or an advanced degrees in nursing and public health.

"(c) SERVICE OBLIGATION.—An individual who participates in a program under subsection (a), where the educational costs are paid by the Service, shall incur an obligation to serve in an Indian health program for a period of obligated service equal to the amount of time during which the individual participates in such program. In the event that the individual fails to complete such obligated service, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

#### **"SEC. 121. COMMUNITY HEALTH AIDE PROGRAM FOR ALASKA.**

"(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13; commonly known as the Snyder Act), the Secretary shall maintain a Community Health Aide Program in Alaska under which the Service—

"(1) provides for the training of Alaska Natives as health aides or community health practitioners;

"(2) uses such aides or practitioners in the provision of health care, health promotion, and disease prevention services to Alaska Natives living in villages in rural Alaska; and

"(3) provides for the establishment of teleconferencing capacity in health clinics located in or near such villages for use by community health aides or community health practitioners.

"(b) ACTIVITIES.—The Secretary, acting through the Community Health Aide Program under subsection (a), shall—

"(1) using trainers accredited by the Program, provide a high standard of training to community health aides and community health practitioners to ensure that such aides and practitioners provide quality health care, health promotion, and disease prevention services to the villages served by the Program;

"(2) in order to provide such training, develop a curriculum that—

"(A) combines education in the theory of health care with supervised practical experience in the provision of health care;

"(B) provides instruction and practical experience in the provision of acute care, emergency care, health promotion, disease prevention, and the efficient and effective management of clinic pharmacies, supplies, equipment, and facilities; and

"(C) promotes the achievement of the health status objective specified in section 3(b);

"(3) establish and maintain a Community Health Aide Certification Board to certify as community health aides or community health practitioners individuals who have successfully completed the training described in paragraph (1) or who can demonstrate equivalent experience;

"(4) develop and maintain a system which identifies the needs of community health aides and community health practitioners for continuing education in the provision of health care, including the areas described in paragraph (2)(B), and develop programs that

meet the needs for such continuing education;

"(5) develop and maintain a system that provides close supervision of community health aides and community health practitioners; and

"(6) develop a system under which the work of community health aides and community health practitioners is reviewed and evaluated to assure the provision of quality health care, health promotion, and disease prevention services.

#### **"SEC. 122. TRIBAL HEALTH PROGRAM ADMINISTRATION.**

"Subject to Section 102, the Secretary, acting through the Service, shall, through a funding agreement or otherwise, provide training for Indians in the administration and planning of tribal health programs.

#### **"SEC. 123. HEALTH PROFESSIONAL CHRONIC SHORTAGE DEMONSTRATION PROJECT.**

"(a) PILOT PROGRAMS.—The Secretary may, through area offices, fund pilot programs for tribes and tribal organizations to address chronic shortages of health professionals.

"(b) PURPOSE.—It is the purpose of the health professions demonstration project under this section to—

"(1) provide direct clinical and practical experience in a service area to health professions students and residents from medical schools;

"(2) improve the quality of health care for Indians by assuring access to qualified health care professionals; and

"(3) provide academic and scholarly opportunities for health professionals serving Indian people by identifying and utilizing all academic and scholarly resources of the region.

"(c) ADVISORY BOARD.—A pilot program established under subsection (a) shall incorporate a program advisory board that shall be composed of representatives from the tribes and communities in the service area that will be served by the program.

#### **"SEC. 124. SCHOLARSHIPS.**

"Scholarships and loan reimbursements provided to individuals pursuant to this title shall be treated as 'qualified scholarships' for purposes of section 117 of the Internal Revenue Code of 1986.

#### **"SEC. 125. NATIONAL HEALTH SERVICE CORPS.**

"(a) LIMITATIONS.—The Secretary shall not—

"(1) remove a member of the National Health Services Corps from a health program operated by Indian Health Service or by a tribe or tribal organization under a funding agreement with the Service under the Indian Self-Determination and Education Assistance Act, or by urban Indian organizations; or

"(2) withdraw the funding used to support such a member; unless the Secretary, acting through the Service, tribes or tribal organization, has ensured that the Indians receiving services from such member will experience no reduction in services.

"(b) DESIGNATION OF SERVICE AREAS AS HEALTH PROFESSIONAL SHORTAGE AREAS.—All service areas served by programs operated by the Service or by a tribe or tribal organization under the Indian Self-Determination and Education Assistance Act, or by an urban Indian organization, shall be designated under section 332 of the Public Health Service Act (42 U.S.C. 254e) as Health Professional Shortage Areas.

"(c) FULL TIME EQUIVALENT.—National Health Service Corps scholars that qualify for the commissioned corps in the Public Health Service shall be exempt from the full time equivalent limitations of the National



Health Service Corps and the Service when such scholars serve as commissioned corps officers in a health program operated by an Indian tribe or tribal organization under the Indian Self-Determination and Education Assistance Act or by an urban Indian organization.

**"SEC. 126. SUBSTANCE ABUSE COUNSELOR EDUCATION DEMONSTRATION PROJECT.**

"(a) DEMONSTRATION PROJECTS.—The Secretary, acting through the Service, may enter into contracts with, or make grants to, accredited tribally controlled community colleges, tribally controlled postsecondary vocational institutions, and eligible accredited and accessible community colleges to establish demonstration projects to develop educational curricula for substance abuse counseling.

"(b) USE OF FUNDS.—Funds provided under this section shall be used only for developing and providing educational curricula for substance abuse counseling (including paying salaries for instructors). Such curricula may be provided through satellite campus programs.

"(c) TERM OF GRANT.—A contract entered into or a grant provided under this section shall be for a period of 1 year. Such contract or grant may be renewed for an additional 1 year period upon the approval of the Secretary.

"(d) REVIEW OF APPLICATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary, after consultation with Indian tribes and administrators of accredited tribally controlled community colleges, tribally controlled postsecondary vocational institutions, and eligible accredited and accessible community colleges, shall develop and issue criteria for the review and approval of applications for funding (including applications for renewals of funding) under this section. Such criteria shall ensure that demonstration projects established under this section promote the development of the capacity of such entities to educate substance abuse counselors.

"(e) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable grant recipients to comply with the provisions of this section.

"(f) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be submitted under section 801 for fiscal year 1999, a report on the findings and conclusions derived from the demonstration projects conducted under this section.

"(g) DEFINITIONS.—In this section:

"(1) EDUCATIONAL CURRICULUM.—The term 'educational curriculum' means 1 or more of the following:

- "(A) Classroom education.
- "(B) Clinical work experience.
- "(C) Continuing education workshops.

"(2) TRIBALLY CONTROLLED COMMUNITY COLLEGE.—The term 'tribally controlled community college' has the meaning given such term in section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(4)).

"(3) TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL INSTITUTION.—The term 'tribally controlled postsecondary vocational institution' has the meaning given such term in section 390(2) of the Tribally Controlled Vocational Institutions Support Act of 1990 (20 U.S.C. 2397h(2)).

**"SEC. 127. MENTAL HEALTH TRAINING AND COMMUNITY EDUCATION.**

"(a) STUDY AND LIST.—

"(1) IN GENERAL.—The Secretary and the Secretary of the Interior in consultation with Indian tribes and tribal organizations shall conduct a study and compile a list of the types of staff positions specified in sub-

section (b) whose qualifications include or should include, training in the identification, prevention, education, referral or treatment of mental illness, dysfunctional or self-destructive behavior.

"(2) POSITIONS.—The positions referred to in paragraph (1) are—

"(A) staff positions within the Bureau of Indian Affairs, including existing positions, in the fields of—

"(i) elementary and secondary education;

"(ii) social services, family and child welfare;

"(iii) law enforcement and judicial services; and

"(iv) alcohol and substance abuse;

"(B) staff positions within the Service; and

"(C) staff positions similar to those specified in subsection (b) and established and maintained by Indian tribes, tribal organizations, and urban Indian organizations, including positions established pursuant to funding agreements under the Indian Self-determination and Education Assistance Act, and this Act.

"(3) TRAINING CRITERIA.—

"(A) IN GENERAL.—The appropriate Secretary shall provide training criteria appropriate to each type of position specified in subsection (b)(1) and ensure that appropriate training has been or will be provided to any individual in any such position.

"(B) TRAINING.—With respect to any such individual in a position specified pursuant to subsection (b)(3), the respective Secretaries shall provide appropriate training or provide funds to an Indian tribe, tribal organization, or urban Indian organization for the training of appropriate individuals. In the case of a funding agreement, the appropriate Secretary shall ensure that such training costs are included in the funding agreement, if necessary.

"(4) CULTURAL RELEVANCY.—Position specific training criteria shall be culturally relevant to Indians and Indian tribes and shall ensure that appropriate information regarding traditional health care practices is provided.

"(5) COMMUNITY EDUCATION.—

"(A) DEVELOPMENT.—The Service shall develop and implement, or on request of an Indian tribe or tribal organization, assist an Indian tribe or tribal organization, in developing and implementing a program of community education on mental illness.

"(B) TECHNICAL ASSISTANCE.—In carrying out this paragraph, the Service shall, upon the request of an Indian tribe or tribal organization, provide technical assistance to the Indian tribe or tribal organization to obtain and develop community educational materials on the identification, prevention, referral and treatment of mental illness, dysfunctional and self-destructive behavior.

"(b) STAFFING.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of the Act, the Director of the Service shall develop a plan under which the Service will increase the number of health care staff that are providing mental health services by at least 500 positions within 5 years after such date of enactment, with at least 200 of such positions devoted to child, adolescent, and family services. The allocation of such positions shall be subject to the provisions of section 102(a).

"(2) IMPLEMENTATION.—The plan developed under paragraph (1) shall be implemented under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act').

**"SEC. 128. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.

**"TITLE II—HEALTH SERVICES**

**"SEC. 201. INDIAN HEALTH CARE IMPROVEMENT FUND.**

"(a) IN GENERAL.—The Secretary may expend funds, directly or under the authority of the Indian Self-Determination and Education Assistance Act, that are appropriated under the authority of this section, for the purposes of—

"(1) eliminating the deficiencies in the health status and resources of all Indian tribes;

"(2) eliminating backlogs in the provision of health care services to Indians;

"(3) meeting the health needs of Indians in an efficient and equitable manner;

"(4) eliminating inequities in funding for both direct care and contract health service programs; and—

"(5) augmenting the ability of the Service to meet the following health service responsibilities with respect to those Indian tribes with the highest levels of health status and resource deficiencies:

"(A) clinical care, including inpatient care, outpatient care (including audiology, clinical eye and vision care), primary care, secondary and tertiary care, and long term care;

"(B) preventive health, including mammography and other cancer screening in accordance with section 207;

"(C) dental care;

"(D) mental health, including community mental health services, inpatient mental health services, dormitory mental health services, therapeutic and residential treatment centers, and training of traditional health care practitioners;

"(E) emergency medical services;

"(F) treatment and control of, and rehabilitative care related to, alcoholism and drug abuse (including fetal alcohol syndrome) among Indians;

"(G) accident prevention programs;

"(H) home health care;

"(I) community health representatives;

"(J) maintenance and repair; and

"(K) traditional health care practices.

"(b) USE OF FUNDS.—

"(1) LIMITATION.—Any funds appropriated under the authority of this section shall not be used to offset or limit any other appropriations made to the Service under this Act, the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), or any other provision of law.

"(2) ALLOCATION.—

"(A) IN GENERAL.—Funds appropriated under the authority of this section shall be allocated to service units or Indian tribes or tribal organizations. The funds allocated to each tribe, tribal organization, or service unit under this subparagraph shall be used to improve the health status and reduce the resource deficiency of each tribe served by such service unit, tribe or tribal organization.

"(B) APPORTIONMENT.—The apportionment of funds allocated to a service unit, tribe or tribal organization under subparagraph (A) among the health service responsibilities described in subsection (a)(4) shall be determined by the Service in consultation with, and with the active participation of, the affected Indian tribes in accordance with this section and such rules as may be established under title VIII.

"(c) HEALTH STATUS AND RESOURCE DEFICIENCY.—In this section:

"(1) DEFINITION.—The term 'health status and resource deficiency' means the extent to which—

"(A) the health status objective set forth in section 3(2) is not being achieved; and

“(B) the Indian tribe or tribal organization does not have available to it the health resources it needs, taking into account the actual cost of providing health care services given local geographic, climatic, rural, or other circumstances.

“(2) RESOURCES.—The health resources available to an Indian tribe or tribal organization shall include health resources provided by the Service as well as health resources used by the Indian Tribe or tribal organization, including services and financing systems provided by any Federal programs, private insurance, and programs of State or local governments.

“(3) REVIEW OF DETERMINATION.—The Secretary shall establish procedures which allow any Indian tribe or tribal organization to petition the Secretary for a review of any determination of the extent of the health status and resource deficiency of such tribe or tribal organization.

“(d) ELIGIBILITY.—Programs administered by any Indian tribe or tribal organization under the authority of the Indian Self-Determination and Education Assistance Act shall be eligible for funds appropriated under the authority of this section on an equal basis with programs that are administered directly by the Service.

“(e) REPORT.—Not later than the date that is 3 years after the date of enactment of this Act, the Secretary shall submit to the Congress the current health status and resource deficiency report of the Service for each Indian tribe or service unit, including newly recognized or acknowledged tribes. Such report shall set out—

“(1) the methodology then in use by the Service for determining tribal health status and resource deficiencies, as well as the most recent application of that methodology;

“(2) the extent of the health status and resource deficiency of each Indian tribe served by the Service;

“(3) the amount of funds necessary to eliminate the health status and resource deficiencies of all Indian tribes served by the Service; and

“(4) an estimate of—

“(A) the amount of health service funds appropriated under the authority of this Act, or any other Act, including the amount of any funds transferred to the Service, for the preceding fiscal year which is allocated to each service unit, Indian tribe, or comparable entity;

“(B) the number of Indians eligible for health services in each service unit or Indian tribe or tribal organization; and

“(C) the number of Indians using the Service resources made available to each service unit or Indian tribe or tribal organization, and, to the extent available, information on the waiting lists and number of Indians turned away for services due to lack of resources.

“(f) BUDGETARY RULE.—Funds appropriated under the authority of this section for any fiscal year shall be included in the base budget of the Service for the purpose of determining appropriations under this section in subsequent fiscal years.

“(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to diminish the primary responsibility of the Service to eliminate existing backlogs in unmet health care needs or to discourage the Service from undertaking additional efforts to achieve equity among Indian tribes and tribal organizations.

“(h) DESIGNATION.—Any funds appropriated under the authority of this section shall be designated as the ‘Indian Health Care Improvement Fund’.

#### “SEC. 202. CATASTROPHIC HEALTH EMERGENCY FUND.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is hereby established an Indian Catastrophic Health Emergency Fund (referred to in this section as the ‘CHEF’) consisting of—

“(A) the amounts deposited under subsection (d); and

“(B) any amounts appropriated to the CHEF under this Act.

“(2) ADMINISTRATION.—The CHEF shall be administered by the Secretary solely for the purpose of meeting the extraordinary medical costs associated with the treatment of victims of disasters or catastrophic illnesses who are within the responsibility of the Service.

“(3) EQUITABLE ALLOCATION.—The CHEF shall be equitably allocated, apportioned or delegated on a service unit or area office basis, based upon a formula to be developed by the Secretary in consultation with the Indian tribes and tribal organizations through negotiated rulemaking under title VIII. Such formula shall take into account the added needs of service areas which are contract health service dependent.

“(4) NOT SUBJECT TO CONTRACT OR GRANT.—No part of the CHEF or its administration shall be subject to contract or grant under any law, including the Indian Self-Determination and Education Assistance Act.

“(5) ADMINISTRATION.—Amounts provided from the CHEF shall be administered by the area offices based upon priorities determined by the Indian tribes and tribal organizations within each service area, including a consideration of the needs of Indian tribes and tribal organizations which are contract health service-dependent.

“(b) REQUIREMENTS.—The Secretary shall, through the negotiated rulemaking process under title VIII, promulgate regulations consistent with the provisions of this section—

“(1) establish a definition of disasters and catastrophic illnesses for which the cost of treatment provided under contract would qualify for payment from the CHEF;

“(2) provide that a service unit, Indian tribe, or tribal organization shall not be eligible for reimbursement for the cost of treatment from the CHEF until its cost of treatment for any victim of such a catastrophic illness or disaster has reached a certain threshold cost which the Secretary shall establish at—

“(A) for 1999, not less than \$19,000; and

“(B) for any subsequent year, not less than the threshold cost of the previous year increased by the percentage increase in the medical care expenditure category of the consumer price index for all urban consumers (United States city average) for the 12-month period ending with December of the previous year;

“(3) establish a procedure for the reimbursement of the portion of the costs incurred by—

“(A) service units, Indian tribes, or tribal organizations, or facilities of the Service; or

“(B) non-Service facilities or providers whenever otherwise authorized by the Service;

in rendering treatment that exceeds threshold cost described in paragraph (2);

“(4) establish a procedure for payment from the CHEF in cases in which the exigencies of the medical circumstances warrant treatment prior to the authorization of such treatment by the Service; and

“(5) establish a procedure that will ensure that no payment shall be made from the CHEF to any provider of treatment to the extent that such provider is eligible to receive payment for the treatment from any other Federal, State, local, or private source of reimbursement for which the patient is eligible.

“(c) LIMITATION.—Amounts appropriated to the CHEF under this section shall not be

used to offset or limit appropriations made to the Service under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act) or any other law.

“(d) DEPOSITS.—There shall be deposited into the CHEF all reimbursements to which the Service is entitled from any Federal, State, local, or private source (including third party insurance) by reason of treatment rendered to any victim of a disaster or catastrophic illness the cost of which was paid from the CHEF.

#### “SEC. 203. HEALTH PROMOTION AND DISEASE PREVENTION SERVICES.

“(a) FINDINGS.—Congress finds that health promotion and disease prevention activities will—

“(1) improve the health and well-being of Indians; and

“(2) reduce the expenses for health care of Indians.

“(b) PROVISION OF SERVICES.—The Secretary, acting through the Service and through Indian tribes and tribal organizations, shall provide health promotion and disease prevention services to Indians so as to achieve the health status objective set forth in section 3(b).

“(c) DISEASE PREVENTION AND HEALTH PROMOTION.—In this section:

“(1) DISEASE PREVENTION.—The term ‘disease prevention’ means the reduction, limitation, and prevention of disease and its complications, and the reduction in the consequences of such diseases, including—

“(A) controlling—

“(i) diabetes;

“(ii) high blood pressure;

“(iii) infectious agents;

“(iv) injuries;

“(v) occupational hazards and disabilities;

“(vi) sexually transmittable diseases; and

“(vii) toxic agents; and

“(B) providing—

“(i) for the fluoridation of water; and

“(ii) immunizations.

“(2) HEALTH PROMOTION.—The term ‘health promotion’ means fostering social, economic, environmental, and personal factors conducive to health, including—

“(A) raising people’s awareness about health matters and enabling them to cope with health problems by increasing their knowledge and providing them with valid information;

“(B) encouraging adequate and appropriate diet, exercise, and sleep;

“(C) promoting education and work in conformity with physical and mental capacity;

“(E) making available suitable housing, safe water, and sanitary facilities;

“(F) improving the physical economic, cultural, psychological, and social environment;

“(G) promoting adequate opportunity for spiritual, religious, and traditional practices; and

“(H) adequate and appropriate programs including—

“(i) abuse prevention (mental and physical);

“(iii) community health;

“(iv) community safety;

“(v) consumer health education;

“(vi) diet and nutrition;

“(vii) disease prevention (communicable, immunizations, HIV/AIDS);

“(viii) environmental health;

“(ix) exercise and physical fitness;

“(x) fetal alcohol disorders;

“(xi) first aid and CPR education;

“(xii) human growth and development;

“(xiii) injury prevention and personal safety;

“(xiv) mental health (emotional, self-worth);

“(xv) personal health and wellness practices;

“(xvi) personal capacity building;

“(xvii) prenatal, pregnancy, and infant care;

“(xviii) psychological well being;

“(xix) reproductive health (family planning);

“(xx) safe and adequate water;

“(xxi) safe housing;

“(xxii) safe work environments;

“(xxiii) stress control;

“(xxiv) substance abuse;

“(xxv) sanitary facilities;

“(xxvi) tobacco use cessation and reduction;

“(xxvii) violence prevention; and

“(xxviii) such other activities identified by the Service, an Indian tribe or tribal organization, to promote the achievement of the objective described in section 3(b).

“(d) EVALUATION.—The Secretary, after obtaining input from affected Indian tribes and tribal organizations, shall submit to the President for inclusion in each statement which is required to be submitted to Congress under section 801 an evaluation of—

“(1) the health promotion and disease prevention needs of Indians;

“(2) the health promotion and disease prevention activities which would best meet such needs;

“(3) the internal capacity of the Service to meet such needs; and

“(4) the resources which would be required to enable the Service to undertake the health promotion and disease prevention activities necessary to meet such needs.

#### **“SEC. 204. DIABETES PREVENTION, TREATMENT, AND CONTROL.**

“(a) DETERMINATION.—The Secretary, in consultation with Indian tribes and tribal organizations, shall determine—

“(1) by tribe, tribal organization, and service unit of the Service, the prevalence of, and the types of complications resulting from, diabetes among Indians; and

“(2) based on paragraph (1), the measures (including patient education) each service unit should take to reduce the prevalence of, and prevent, treat, and control the complications resulting from, diabetes among Indian tribes within that service unit.

“(b) SCREENING.—The Secretary shall screen each Indian who receives services from the Service for diabetes and for conditions which indicate a high risk that the individual will become diabetic. Such screening may be done by an Indian tribe or tribal organization operating health care programs or facilities with funds from the Service under the Indian Self-Determination and Education Assistance Act.

“(c) CONTINUED FUNDING.—The Secretary shall continue to fund, through fiscal year 2012, each effective model diabetes project in existence on the date of the enactment of this Act and such other diabetes programs operated by the Secretary or by Indian tribes and tribal organizations and any additional programs added to meet existing diabetes needs. Indian tribes and tribal organizations shall receive recurring funding for the diabetes programs which they operate pursuant to this section. Model diabetes projects shall consult, on a regular basis, with tribes and tribal organizations in their regions regarding diabetes needs and provide technical expertise as needed.

“(d) DIALYSIS PROGRAMS.—The Secretary shall provide funding through the Service, Indian tribes and tribal organizations to establish dialysis programs, including funds to purchase dialysis equipment and provide necessary staffing.

“(e) OTHER ACTIVITIES.—The Secretary shall, to the extent funding is available—

“(1) in each area office of the Service, consult with Indian tribes and tribal organizations regarding programs for the prevention, treatment, and control of diabetes;

“(2) establish in each area office of the Service a registry of patients with diabetes to track the prevalence of diabetes and the complications from diabetes in that area; and

“(3) ensure that data collected in each area office regarding diabetes and related complications among Indians is disseminated to tribes, tribal organizations, and all other area offices.

#### **“SEC. 205. SHARED SERVICES.**

“(a) IN GENERAL.—The Secretary, acting through the Service and notwithstanding any other provision of law, is authorized to enter into funding agreements or other arrangements with Indian tribes or tribal organizations for the delivery of long-term care and similar services to Indians. Such projects shall provide for the sharing of staff or other services between a Service or tribal facility and a long-term care or other similar facility owned and operated (directly or through a funding agreement) by such Indian tribe or tribal organization.

“(b) REQUIREMENTS.—A funding agreement or other arrangement entered into pursuant to subsection (a)—

“(1) may, at the request of the Indian tribe or tribal organization, delegate to such tribe or tribal organization such powers of supervision and control over Service employees as the Secretary deems necessary to carry out the purposes of this section;

“(2) shall provide that expenses (including salaries) relating to services that are shared between the Service and the tribal facility be allocated proportionately between the Service and the tribe or tribal organization; and

“(3) may authorize such tribe or tribal organization to construct, renovate, or expand a long-term care or other similar facility (including the construction of a facility attached to a Service facility).

“(c) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

“(d) USE OF EXISTING FACILITIES.—The Secretary shall encourage the use for long-term or similar care of existing facilities that are under-utilized or allow the use of swing beds for such purposes.

#### **“SEC. 206. HEALTH SERVICES RESEARCH.**

“(a) FUNDING.—The Secretary shall make funding available for research to further the performance of the health service responsibilities of the Service, Indian tribes, and tribal organizations and shall coordinate the activities of other Agencies within the Department to address these research needs.

“(b) ALLOCATION.—Funding under subsection (a) shall be allocated equitably among the area offices. Each area office shall award such funds competitively within that area.

“(c) ELIGIBILITY FOR FUNDS.—Indian tribes and tribal organizations receiving funding from the Service under the authority of the Indian Self-Determination and Education Assistance Act shall be given an equal opportunity to compete for, and receive, research funds under this section.

“(d) USE.—Funds received under this section may be used for both clinical and non-clinical research by Indian tribes and tribal organizations and shall be distributed to the area offices. Such area offices may make grants using such funds within each area.

#### **“SEC. 207. MAMMOGRAPHY AND OTHER CANCER SCREENING.**

“The Secretary, through the Service or through Indian tribes or tribal organizations, shall provide for the following screening:

“(1) Mammography (as defined in section 1861(jj) of the Social Security Act) for Indian

women at a frequency appropriate to such women under national standards, and under such terms and conditions as are consistent with standards established by the Secretary to assure the safety and accuracy of screening mammography under part B of title XVIII of the Social Security Act.

“(2) Other cancer screening meeting national standards.

#### **“SEC. 208. PATIENT TRAVEL COSTS.**

“The Secretary, acting through the Service, Indian tribes and tribal organizations shall provide funds for the following patient travel costs, including appropriate and necessary qualified escorts, associated with receiving health care services provided (either through direct or contract care or through funding agreements entered into pursuant to the Indian Self-Determination and Education Assistance Act) under this Act:

“(1) Emergency air transportation and nonemergency air transportation where ground transportation is infeasible.

“(2) Transportation by private vehicle, specially equipped vehicle and ambulance.

“(3) Transportation by such other means as may be available and required when air or motor vehicle transportation is not available.

#### **“SEC. 209. EPIDEMIOLOGY CENTERS.**

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—In addition to those centers operating 1 day prior to the date of enactment of this Act, (including those centers for which funding is currently being provided through funding agreements under the Indian Self-Determination and Education Assistance Act), the Secretary shall, not later than 180 days after such date of enactment, establish and fund an epidemiology center in each service area which does not have such a center to carry out the functions described in paragraph (2). Any centers established under the preceding sentence may be operated by Indian tribes or tribal organizations pursuant to funding agreements under the Indian Self-Determination and Education Assistance Act, but funding under such agreements may not be divisible.

“(2) FUNCTIONS.—In consultation with and upon the request of Indian tribes, tribal organizations and urban Indian organizations, each area epidemiology center established under this subsection shall, with respect to such area shall—

“(A) collect data related to the health status objective described in section 3(b), and monitor the progress that the Service, Indian tribes, tribal organizations, and urban Indian organizations have made in meeting such health status objective;

“(B) evaluate existing delivery systems, data systems, and other systems that impact the improvement of Indian health;

“(C) assist Indian tribes, tribal organizations, and urban Indian organizations in identifying their highest priority health status objectives and the services needed to achieve such objectives, based on epidemiological data;

“(D) make recommendations for the targeting of services needed by tribal, urban, and other Indian communities;

“(E) make recommendations to improve health care delivery systems for Indians and urban Indians;

“(F) provide requested technical assistance to Indian Tribes and urban Indian organizations in the development of local health service priorities and incidence and prevalence rates of disease and other illness in the community; and

“(G) provide disease surveillance and assist Indian tribes, tribal organizations, and urban Indian organizations to promote public health.

“(3) TECHNICAL ASSISTANCE.—The director of the Centers for Disease Control and Prevention shall provide technical assistance to the centers in carrying out the requirements of this subsection.

“(b) FUNDING.—The Secretary may make funding available to Indian tribes, tribal organizations, and eligible intertribal consortia or urban Indian organizations to conduct epidemiological studies of Indian communities.

**“SEC. 210. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.**

“(a) IN GENERAL.—The Secretary, acting through the Service, shall provide funding to Indian tribes, tribal organizations, and urban Indian organizations to develop comprehensive school health education programs for children from preschool through grade 12 in schools for the benefit of Indian and urban Indian children.

“(b) USE OF FUNDS.—Funds awarded under this section may be used to—

“(1) develop and implement health education curricula both for regular school programs and after school programs;

“(2) train teachers in comprehensive school health education curricula;

“(3) integrate school-based, community-based, and other public and private health promotion efforts;

“(4) encourage healthy, tobacco-free school environments;

“(5) coordinate school-based health programs with existing services and programs available in the community;

“(6) develop school programs on nutrition education, personal health, oral health, and fitness;

“(7) develop mental health wellness programs;

“(8) develop chronic disease prevention programs;

“(9) develop substance abuse prevention programs;

“(10) develop injury prevention and safety education programs;

“(11) develop activities for the prevention and control of communicable diseases;

“(12) develop community and environmental health education programs that include traditional health care practitioners;

“(13) carry out violence prevention activities; and

“(14) carry out activities relating to such other health issues as are appropriate.

“(c) TECHNICAL ASSISTANCE.—The Secretary shall, upon request, provide technical assistance to Indian tribes, tribal organization and urban Indian organizations in the development of comprehensive health education plans, and the dissemination of comprehensive health education materials and information on existing health programs and resources.

“(d) CRITERIA.—The Secretary, in consultation with Indian tribes tribal organizations, and urban Indian organizations shall establish criteria for the review and approval of applications for funding under this section.

“(e) COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAM.—

“(1) DEVELOPMENT.—The Secretary of the Interior, acting through the Bureau of Indian Affairs and in cooperation with the Secretary and affected Indian tribes and tribal organizations, shall develop a comprehensive school health education program for children from preschool through grade 12 for use in schools operated by the Bureau of Indian Affairs.

“(2) REQUIREMENTS.—The program developed under paragraph (1) shall include—

“(A) school programs on nutrition education, personal health, oral health, and fitness;

“(B) mental health wellness programs;

“(C) chronic disease prevention programs;

“(D) substance abuse prevention programs;

“(E) injury prevention and safety education programs; and

“(F) activities for the prevention and control of communicable diseases.

“(3) TRAINING AND COORDINATION.—The Secretary of the Interior shall—

“(A) provide training to teachers in comprehensive school health education curricula;

“(B) ensure the integration and coordination of school-based programs with existing services and health programs available in the community; and

“(C) encourage healthy, tobacco-free school environments.

**“SEC. 211. INDIAN YOUTH PROGRAM.**

“(a) IN GENERAL.—The Secretary, acting through the Service, is authorized to provide funding to Indian tribes, tribal organizations, and urban Indian organizations for innovative mental and physical disease prevention and health promotion and treatment programs for Indian and urban Indian pre-adolescent and adolescent youths.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—Funds made available under this section may be used to—

“(A) develop prevention and treatment programs for Indian youth which promote mental and physical health and incorporate cultural values, community and family involvement, and traditional health care practitioners; and

“(B) develop and provide community training and education.

“(2) LIMITATION.—Funds made available under this section may not be used to provide services described in section 707(c).

“(c) REQUIREMENTS.—The Secretary shall—

“(1) disseminate to Indian tribes, tribal organizations, and urban Indian organizations information regarding models for the delivery of comprehensive health care services to Indian and urban Indian adolescents;

“(2) encourage the implementation of such models; and

“(3) at the request of an Indian tribe, tribal organization, or urban Indian organization, provide technical assistance in the implementation of such models.

“(d) CRITERIA.—The Secretary, in consultation with Indian tribes, tribal organization, and urban Indian organizations, shall establish criteria for the review and approval of applications under this section.

**“SEC. 212. PREVENTION, CONTROL, AND ELIMINATION OF COMMUNICABLE AND INFECTIOUS DISEASES.**

“(a) IN GENERAL.—The Secretary, acting through the Service after consultation with Indian tribes, tribal organizations, urban Indian organizations, and the Centers for Disease Control and Prevention, may make funding available to Indian tribes and tribal organizations for—

“(1) projects for the prevention, control, and elimination of communicable and infectious diseases, including tuberculosis, hepatitis, HIV, respiratory syncytial virus, hanta virus, sexually transmitted diseases, and H. Pylori;

“(2) public information and education programs for the prevention, control, and elimination of communicable and infectious diseases; and

“(3) education, training, and clinical skills improvement activities in the prevention, control, and elimination of communicable and infectious diseases for health professionals, including allied health professionals.

“(b) REQUIREMENT OF APPLICATION.—The Secretary may provide funds under subsection (a) only if an application or proposal for such funds is submitted.

“(c) TECHNICAL ASSISTANCE AND REPORT.—In carrying out this section, the Secretary—

“(1) may, at the request of an Indian tribe or tribal organization, provide technical assistance; and

“(2) shall prepare and submit, biennially, a report to Congress on the use of funds under this section and on the progress made toward the prevention, control, and elimination of communicable and infectious diseases among Indians and urban Indians.

**“SEC. 213. AUTHORITY FOR PROVISION OF OTHER SERVICES.**

“(a) IN GENERAL.—The Secretary, acting through the Service, Indian tribes, and tribal organizations, may provide funding under this Act to meet the objective set forth in section 3 through health care related services and programs not otherwise described in this Act. Such services and programs shall include services and programs related to—

“(1) hospice care and assisted living;

“(2) long-term health care;

“(3) home- and community-based services;

“(4) public health functions; and

“(5) traditional health care practices.

“(b) AVAILABILITY OF SERVICES FOR CERTAIN INDIVIDUALS.—At the discretion of the Service, Indian tribe, or tribal organization, services hospice care, home health care (under section 201), home- and community-based care, assisted living, and long term care may be provided (on a cost basis) to individuals otherwise ineligible for the health care benefits of the Service. Any funds received under this subsection shall not be used to offset or limit the funding allocated to a tribe or tribal organization.

“(c) DEFINITIONS.—In this section:

“(1) HOME- AND COMMUNITY-BASED SERVICES.—The term ‘home- and community-based services’ means 1 or more of the following:

“(A) Homemaker/home health aide services.

“(B) Chore services.

“(C) Personal care services.

“(D) Nursing care services provided outside of a nursing facility by, or under the supervision of, a registered nurse.

“(E) Training for family members.

“(F) Adult day care.

“(G) Such other home- and community-based services as the Secretary or a tribe or tribal organization may approve.

“(2) HOSPICE CARE.—The term ‘hospice care’ means the items and services specified in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and such other services which an Indian tribe or tribal organization determines are necessary and appropriate to provide in furtherance of such care.

“(3) PUBLIC HEALTH FUNCTIONS.—The term ‘public health functions’ means public health related programs, functions, and services including assessments, assurances, and policy development that Indian tribes and tribal organizations are authorized and encouraged, in those circumstances where it meets their needs, to carry out by forming collaborative relationships with all levels of local, State, and Federal governments.

**“SEC. 214. INDIAN WOMEN'S HEALTH CARE.**

“The Secretary acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations shall provide funding to monitor and improve the quality of health care for Indian women of all ages through the planning and delivery of programs administered by the Service, in order to improve and enhance the treatment models of care for Indian women.

**“SEC. 215. ENVIRONMENTAL AND NUCLEAR HEALTH HAZARDS.**

“(a) STUDY AND MONITORING PROGRAMS.—The Secretary and the Service shall, in conjunction with other appropriate Federal agencies and in consultation with concerned

Indian tribes and tribal organizations, conduct a study and carry out ongoing monitoring programs to determine the trends that exist in the health hazards posed to Indian miners and to Indians on or near Indian reservations and in Indian communities as a result of environmental hazards that may result in chronic or life-threatening health problems. Such hazards include nuclear resource development, petroleum contamination, and contamination of the water source or of the food chain. Such study (and any reports with respect to such study) shall include—

“(1) an evaluation of the nature and extent of health problems caused by environmental hazards currently exhibited among Indians and the causes of such health problems;

“(2) an analysis of the potential effect of ongoing and future environmental resource development on or near Indian reservations and communities including the cumulative effect of such development over time on health;

“(3) an evaluation of the types and nature of activities, practices, and conditions causing or affecting such health problems including uranium mining and milling, uranium mine tailing deposits, nuclear power plant operation and construction, and nuclear waste disposal, oil and gas production or transportation on or near Indian reservations or communities, and other development that could affect the health of Indians and their water supply and food chain;

“(4) a summary of any findings or recommendations provided in Federal and State studies, reports, investigations, and inspections during the 5 years prior to the date of the enactment of this Act that directly or indirectly relate to the activities, practices, and conditions affecting the health or safety of such Indians; and

“(5) a description of the efforts that have been made by Federal and State agencies and resource and economic development companies to effectively carry out an education program for such Indians regarding the health and safety hazards of such development.

“(b) **DEVELOPMENT OF HEALTH CARE PLANS.**—Upon the completion of the study under subsection (a), the Secretary and the Service shall take into account the results of such study and, in consultation with Indian tribes and tribal organizations, develop a health care plan to address the health problems that were the subject of such study. The plans shall include—

“(1) methods for diagnosing and treating Indians currently exhibiting such health problems;

“(2) preventive care and testing for Indians who may be exposed to such health hazards, including the monitoring of the health of individuals who have or may have been exposed to excessive amounts of radiation, or affected by other activities that have had or could have a serious impact upon the health of such individuals; and

“(3) a program of education for Indians who, by reason of their work or geographic proximity to such nuclear or other development activities, may experience health problems.

“(c) **SUBMISSION TO CONGRESS.**—

“(1) **GENERAL REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary and the Service shall submit to Congress a report concerning the study conducted under subsection (a).

“(2) **HEALTH CARE PLAN REPORT.**—Not later than 1 year after the date on which the report under paragraph (1) is submitted to Congress, the Secretary and the Service shall submit to Congress the health care plan prepared under subsection (b). Such plan shall include recommended activities for the im-

plementation of the plan, as well as an evaluation of any activities previously undertaken by the Service to address the health problems involved.

“(d) **TASK FORCE.**—

“(1) **ESTABLISHED.**—There is hereby established an Intergovernmental Task Force (referred to in this section as the ‘task force’) that shall be composed of the following individuals (or their designees):

“(A) The Secretary of Energy.

“(B) The Administrator of the Environmental Protection Agency.

“(C) The Director of the Bureau of Mines.

“(D) The Assistant Secretary for Occupational Safety and Health.

“(E) The Secretary of the Interior.

“(2) **DUTIES.**—The Task Force shall identify existing and potential operations related to nuclear resource development or other environmental hazards that affect or may affect the health of Indians on or near an Indian reservation or in an Indian community, and enter into activities to correct existing health hazards and ensure that current and future health problems resulting from nuclear resource or other development activities are minimized or reduced.

“(3) **ADMINISTRATIVE PROVISIONS.**—The Secretary shall serve as the chairperson of the Task Force. The Task Force shall meet at least twice each year. Each member of the Task Force shall furnish necessary assistance to the Task Force.

“(e) **PROVISION OF APPROPRIATE MEDICAL CARE.**—In the case of any Indian who—

“(1) as a result of employment in or near a uranium mine or mill or near any other environmental hazard, suffers from a work related illness or condition;

“(2) is eligible to receive diagnosis and treatment services from a Service facility; and

“(3) by reason of such Indian’s employment, is entitled to medical care at the expense of such mine or mill operator or entity responsible for the environmental hazard; the Service shall, at the request of such Indian, render appropriate medical care to such Indian for such illness or condition and may recover the costs of any medical care so rendered to which such Indian is entitled at the expense of such operator or entity from such operator or entity. Nothing in this subsection shall affect the rights of such Indian to recover damages other than such costs paid to the Service from the employer for such illness or condition.

“**SEC. 216. ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.**

“(a) **IN GENERAL.**—For fiscal years beginning with the fiscal year ending September 30, 1983, and ending with the fiscal year ending September 30, 2012, the State of Arizona shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of Arizona.

“(b) **LIMITATION.**—The Service shall not curtail any health care services provided to Indians residing on Federal reservations in the State of Arizona if such curtailment is due to the provision of contract services in such State pursuant to the designation of such State as a contract health service delivery area pursuant to subsection (a).

“**SEC. 217. CALIFORNIA CONTRACT HEALTH SERVICES DEMONSTRATION PROGRAM.**

“(a) **IN GENERAL.**—The Secretary may fund a program that utilizes the California Rural Indian Health Board as a contract care intermediary to improve the accessibility of health services to California Indians.

“(b) **REIMBURSEMENT OF BOARD.**—

“(1) **AGREEMENT.**—The Secretary shall enter into an agreement with the California

Rural Indian Health Board to reimburse the Board for costs (including reasonable administrative costs) incurred pursuant to this section in providing medical treatment under contract to California Indians described in section 809(b) throughout the California contract health services delivery area described in section 218 with respect to high-cost contract care cases.

“(2) **ADMINISTRATION.**—Not more than 5 percent of the amounts provided to the Board under this section for any fiscal year may be used for reimbursement for administrative expenses incurred by the Board during such fiscal year.

“(3) **LIMITATION.**—No payment may be made for treatment provided under this section to the extent that payment may be made for such treatment under the Catastrophic Health Emergency Fund described in section 202 or from amounts appropriated or otherwise made available to the California contract health service delivery area for a fiscal year.

“(c) **ADVISORY BOARD.**—There is hereby established an advisory board that shall advise the California Rural Indian Health Board in carrying out this section. The advisory board shall be composed of representatives, selected by the California Rural Indian Health Board, from not less than 8 tribal health programs serving California Indians covered under this section, at least 50 percent of whom are not affiliated with the California Rural Indian Health Board.

“**SEC. 218. CALIFORNIA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.**

“The State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Kern, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ventura shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health services to Indians in such State, except that any of the counties described in this section may be included in the contract health services delivery area if funding is specifically provided by the Service for such services in those counties.

“**SEC. 219. CONTRACT HEALTH SERVICES FOR THE TRENTON SERVICE AREA.**

“(a) **IN GENERAL.**—The Secretary, acting through the Service, shall provide contract health services to members of the Turtle Mountain Band of Chippewa Indians that reside in the Trenton Service Area of Divide, McKenzie, and Williams counties in the State of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the State of Montana.

“(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as expanding the eligibility of members of the Turtle Mountain Band of Chippewa Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

“**SEC. 220. PROGRAMS OPERATED BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.**

“The Service shall provide funds for health care programs and facilities operated by Indian tribes and tribal organizations under funding agreements with the Service entered into under the Indian Self-Determination and Education Assistance Act on the same basis as such funds are provided to programs and facilities operated directly by the Service.

“**SEC. 221.—LICENSING.**

“Health care professionals employed by Indian Tribes and tribal organizations to carry out agreements under the Indian Self-Determination and Education Assistance Act,

shall, if licensed in any State, be exempt from the licensing requirements of the State in which the agreement is performed.

**"SEC. 222. AUTHORIZATION FOR EMERGENCY CONTRACT HEALTH SERVICES.**

"With respect to an elderly Indian or an Indian with a disability receiving emergency medical care or services from a non-Service provider or in a non-Service facility under the authority of this Act, the time limitation (as a condition of payment) for notifying the Service of such treatment or admission shall be 30 days.

**"SEC. 223. PROMPT ACTION ON PAYMENT OF CLAIMS.**

"(a) REQUIREMENT.—The Service shall respond to a notification of a claim by a provider of a contract care service with either an individual purchase order or a denial of the claim within 5 working days after the receipt of such notification.

"(b) FAILURE TO RESPOND.—If the Service fails to respond to a notification of a claim in accordance with subsection (a), the Service shall accept as valid the claim submitted by the provider of a contract care service.

"(c) PAYMENT.—The Service shall pay a valid contract care service claim within 30 days after the completion of the claim.

**"SEC. 224. LIABILITY FOR PAYMENT.**

"(a) NO LIABILITY.—A patient who receives contract health care services that are authorized by the Service shall not be liable for the payment of any charges or costs associated with the provision of such services.

"(b) NOTIFICATION.—The Secretary shall notify a contract care provider and any patient who receives contract health care services authorized by the Service that such patient is not liable for the payment of any charges or costs associated with the provision of such services.

"(c) LIMITATION.—Following receipt of the notice provided under subsection (b), or, if a claim has been deemed accepted under section 223(b), the provider shall have no further recourse against the patient who received the services involved.

**"SEC. 225. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.

**"TITLE III—FACILITIES**

**"SEC. 301. CONSULTATION, CONSTRUCTION AND RENOVATION OF FACILITIES; REPORTS.**

"(a) CONSULTATION.—Prior to the expenditure of, or the making of any firm commitment to expend, any funds appropriated for the planning, design, construction, or renovation of facilities pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Secretary, acting through the Service, shall—

"(1) consult with any Indian tribe that would be significantly affected by such expenditure for the purpose of determining and, whenever practicable, honoring tribal preferences concerning size, location, type, and other characteristics of any facility on which such expenditure is to be made; and

"(2) ensure, whenever practicable, that such facility meets the construction standards of any nationally recognized accrediting body by not later than 1 year after the date on which the construction or renovation of such facility is completed.

"(b) CLOSURE OF FACILITIES.—

"(1) IN GENERAL.—Notwithstanding any provision of law other than this subsection, no Service hospital or outpatient health care facility or any inpatient service or special care facility operated by the Service, may be closed if the Secretary has not submitted to the Congress at least 1 year prior to the date such proposed closure an evaluation of the

impact of such proposed closure which specifies, in addition to other considerations—

"(A) the accessibility of alternative health care resources for the population served by such hospital or facility;

"(B) the cost effectiveness of such closure;

"(C) the quality of health care to be provided to the population served by such hospital or facility after such closure;

"(D) the availability of contract health care funds to maintain existing levels of service;

"(E) the views of the Indian tribes served by such hospital or facility concerning such closure;

"(F) the level of utilization of such hospital or facility by all eligible Indians; and

"(G) the distance between such hospital or facility and the nearest operating Service hospital.

"(2) TEMPORARY CLOSURE.—Paragraph (1) shall not apply to any temporary closure of a facility or of any portion of a facility if such closure is necessary for medical, environmental, or safety reasons.

"(c) PRIORITY SYSTEM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a health care facility priority system, that shall—

"(A) be developed with Indian tribes and tribal organizations through negotiated rule-making under section 802;

"(B) give the needs of Indian tribes' the highest priority; and

"(C) at a minimum, include the lists required in paragraph (2)(B) and the methodology required in paragraph (2)(E);

except that the priority of any project established under the construction priority system in effect on the date of this Act shall not be affected by any change in the construction priority system taking place thereafter if the project was identified as one of the top 10 priority inpatient projects or one of the top 10 outpatient projects in the Indian Health Service budget justification for fiscal year 2000, or if the project had completed both Phase I and Phase II of the construction priority system in effect on the date of this Act.

"(2) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report that includes—

"(A) a description of the health care facility priority system of the Service, as established under paragraph (1);

"(B) health care facility lists, including—

"(i) the total health care facility planning, design, construction and renovation needs for Indians;

"(ii) the 10 top-priority inpatient care facilities;

"(iii) the 10 top-priority outpatient care facilities;

"(iv) the 10 top-priority specialized care facilities (such as long-term care and alcohol and drug abuse treatment); and

"(v) any staff quarters associated with such prioritized facilities;

"(C) the justification for the order of priority among facilities;

"(D) the projected cost of the projects involved; and

"(E) the methodology adopted by the Service in establishing priorities under its health care facility priority system.

"(3) CONSULTATION.—In preparing each report required under paragraph (2) (other than the initial report) the Secretary shall annually—

"(A) consult with, and obtain information on all health care facilities needs from, Indian tribes and tribal organizations including those tribes or tribal organizations operating health programs or facilities under any funding agreement entered into with the

Service under the Indian Self-Determination and Education Assistance Act; and

"(B) review the total unmet needs of all tribes and tribal organizations for health care facilities (including staff quarters), including needs for renovation and expansion of existing facilities.

"(4) CRITERIA.—For purposes of this subsection, the Secretary shall, in evaluating the needs of facilities operated under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act, use the same criteria that the Secretary uses in evaluating the needs of facilities operated directly by the Service.

"(5) EQUITABLE INTEGRATION.—The Secretary shall ensure that the planning, design, construction, and renovation needs of Service and non-Service facilities, operated under funding agreements in accordance with the Indian Self-Determination and Education Assistance Act are fully and equitably integrated into the health care facility priority system.

"(d) REVIEW OF NEED FOR FACILITIES.—

"(1) REPORT.—Beginning in 2001, the Secretary shall annually submit to the President, for inclusion in the report required to be transmitted to Congress under section 801 of this Act, a report which sets forth the needs of the Service and all Indian tribes and tribal organizations, including urban Indian organizations, for inpatient, outpatient and specialized care facilities, including the needs for renovation and expansion of existing facilities.

"(2) CONSULTATION.—In preparing each report required under paragraph (1) (other than the initial report), the Secretary shall consult with Indian tribes and tribal organizations including those tribes or tribal organizations operating health programs or facilities under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act, and with urban Indian organizations.

"(3) CRITERIA.—For purposes of this subsection, the Secretary shall, in evaluating the needs of facilities operated under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act, use the same criteria that the Secretary uses in evaluating the needs of facilities operated directly by the Service.

"(4) EQUITABLE INTEGRATION.—The Secretary shall ensure that the planning, design, construction, and renovation needs of facilities operated under funding agreements, in accordance with the Indian Self-Determination and Education Assistance Act, are fully and equitably integrated into the development of the health facility priority system.

"(5) ANNUAL NOMINATIONS.—Each year the Secretary shall provide an opportunity for the nomination of planning, design, and construction projects by the Service and all Indian tribes and tribal organizations for consideration under the health care facility priority system.

"(e) INCLUSION OF CERTAIN PROGRAMS.—All funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13), for the planning, design, construction, or renovation of health facilities for the benefit of an Indian tribe or tribes shall be subject to the provisions of section 102 of the Indian Self-Determination and Education Assistance Act.

"(f) INNOVATIVE APPROACHES.—The Secretary shall consult and cooperate with Indian tribes, tribal organizations and urban Indian organizations in developing innovative approaches to address all or part of the total unmet need for construction of health facilities, including those provided for in

other sections of this title and other approaches.

**"SEC. 302. SAFE WATER AND SANITARY WASTE DISPOSAL FACILITIES.**

"(a) FINDINGS.—Congress finds and declares that—

"(1) the provision of safe water supply facilities and sanitary sewage and solid waste disposal facilities is primarily a health consideration and function;

"(2) Indian people suffer an inordinately high incidence of disease, injury, and illness directly attributable to the absence or inadequacy of such facilities;

"(3) the long-term cost to the United States of treating and curing such disease, injury, and illness is substantially greater than the short-term cost of providing such facilities and other preventive health measures;

"(4) many Indian homes and communities still lack safe water supply facilities and sanitary sewage and solid waste disposal facilities; and

"(5) it is in the interest of the United States, and it is the policy of the United States, that all Indian communities and Indian homes, new and existing, be provided with safe and adequate water supply facilities and sanitary sewage waste disposal facilities as soon as possible.

**"(b) PROVISION OF FACILITIES AND SERVICES.—**

"(1) IN GENERAL.—In furtherance of the findings and declarations made in subsection (a), Congress reaffirms the primary responsibility and authority of the Service to provide the necessary sanitation facilities and services as provided in section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

"(2) ASSISTANCE.—The Secretary, acting through the Service, is authorized to provide under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a)—

"(A) financial and technical assistance to Indian tribes, tribal organizations and Indian communities in the establishment, training, and equipping of utility organizations to operate and maintain Indian sanitation facilities, including the provision of existing plans, standard details, and specifications available in the Department, to be used at the option of the tribe or tribal organization;

"(B) ongoing technical assistance and training in the management of utility organizations which operate and maintain sanitation facilities; and

"(C) priority funding for the operation, and maintenance assistance for, and emergency repairs to, tribal sanitation facilities when necessary to avoid an imminent health threat or to protect the investment in sanitation facilities and the investment in the health benefits gained through the provision of sanitation facilities.

"(3) PROVISIONS RELATING TO FUNDING.—Notwithstanding any other provision of law—

"(A) the Secretary of Housing and Urban Development is authorized to transfer funds appropriated under the Native American Housing Assistance and Self-Determination Act of 1996 to the Secretary of Health and Human Services;

"(B) the Secretary of Health and Human Services is authorized to accept and use such funds for the purpose of providing sanitation facilities and services for Indians under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a);

"(C) unless specifically authorized when funds are appropriated, the Secretary of Health and Human Services shall not use funds appropriated under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a) to provide sanitation facilities to new homes constructed using funds provided by the Department of Housing and Urban Development;

"(D) the Secretary of Health and Human Services is authorized to accept all Federal funds that are available for the purpose of providing sanitation facilities and related services and place those funds into funding agreements, authorized under the Indian Self-Determination and Education Assistance Act, between the Secretary and Indian tribes and tribal organizations;

"(E) the Secretary may permit funds appropriated under the authority of section 4 of the Act of August 5, 1954 (42 U.S.C. 2004) to be used to fund up to 100 percent of the amount of a tribe's loan obtained under any Federal program for new projects to construct eligible sanitation facilities to serve Indian homes;

"(F) the Secretary may permit funds appropriated under the authority of section 4 of the Act of August 5, 1954 (42 U.S.C. 2004) to be used to meet matching or cost participation requirements under other Federal and non-Federal programs for new projects to construct eligible sanitation facilities;

"(G) all Federal agencies are authorized to transfer to the Secretary funds identified, granted, loaned or appropriated and thereafter the Department's applicable policies, rules, regulations shall apply in the implementation of such projects;

"(H) the Secretary of Health and Human Services shall enter into inter-agency agreements with the Bureau of Indian Affairs, the Department of Housing and Urban Development, the Department of Agriculture, the Environmental Protection Agency and other appropriate Federal agencies, for the purpose of providing financial assistance for safe water supply and sanitary sewage disposal facilities under this Act; and

"(I) the Secretary of Health and Human Services shall, by regulation developed through rulemaking under section 802, establish standards applicable to the planning, design and construction of water supply and sanitary sewage and solid waste disposal facilities funded under this Act.

"(c) 10-YEAR FUNDING PLAN.—The Secretary, acting through the Service and in consultation with Indian tribes and tribal organizations, shall develop and implement a 10-year funding plan to provide safe water supply and sanitary sewage and solid waste disposal facilities serving existing Indian homes and communities, and to new and renovated Indian homes.

"(d) CAPABILITY OF TRIBE OR COMMUNITY.—The financial and technical capability of an Indian tribe or community to safely operate and maintain a sanitation facility shall not be a prerequisite to the provision or construction of sanitation facilities by the Secretary.

"(e) FINANCIAL ASSISTANCE.—The Secretary may provide financial assistance to Indian tribes, tribal organizations and communities for the operation, management, and maintenance of their sanitation facilities.

"(f) RESPONSIBILITY FOR FEES FOR OPERATION AND MAINTENANCE.—The Indian family, community or tribe involved shall have the primary responsibility to establish, collect, and use reasonable user fees, or otherwise set aside funding, for the purpose of operating and maintaining sanitation facilities. If a community facility is threatened with imminent failure and there is a lack of tribal capacity to maintain the integrity or the health benefit of the facility, the Secretary may assist the Tribe in the resolution of the problem on a short term basis through co-operation with the emergency coordinator or by providing operation and maintenance service.

"(g) ELIGIBILITY OF CERTAIN TRIBES OR ORGANIZATIONS.—Programs administered by Indian tribes or tribal organizations under the

authority of the Indian Self-Determination and Education Assistance Act shall be eligible for—

"(1) any funds appropriated pursuant to this section; and

"(2) any funds appropriated for the purpose of providing water supply, sewage disposal, or solid waste facilities; on an equal basis with programs that are administered directly by the Service.

**"(h) REPORT.—**

"(1) IN GENERAL.—The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report which sets forth—

"(A) the current Indian sanitation facility priority system of the Service;

"(B) the methodology for determining sanitation deficiencies;

"(C) the level of initial and final sanitation deficiency for each type sanitation facility for each project of each Indian tribe or community; and

"(D) the amount of funds necessary to reduce the identified sanitation deficiency levels of all Indian tribes and communities to a level I sanitation deficiency as described in paragraph (4)(A).

"(2) CONSULTATION.—In preparing each report required under paragraph (1), the Secretary shall consult with Indian tribes and tribal organizations (including those tribes or tribal organizations operating health care programs or facilities under any funding agreements entered into with the Service under the Indian Self-Determination and Education Assistance Act) to determine the sanitation needs of each tribe and in developing the criteria on which the needs will be evaluated through a process of negotiated rulemaking.

"(3) METHODOLOGY.—The methodology used by the Secretary in determining, preparing cost estimates for and reporting sanitation deficiencies for purposes of paragraph (1) shall be applied uniformly to all Indian tribes and communities.

"(4) SANITATION DEFICIENCY LEVELS.—For purposes of this subsection, the sanitation deficiency levels for an individual or community sanitation facility serving Indian homes are as follows:

"(A) A level I deficiency is a sanitation facility serving and individual or community—

"(i) which complies with all applicable water supply, pollution control and solid waste disposal laws; and

"(ii) in which the deficiencies relate to routine replacement, repair, or maintenance needs.

"(B) A level II deficiency is a sanitation facility serving and individual or community—

"(i) which substantially or recently complied with all applicable water supply, pollution control and solid waste laws, in which the deficiencies relate to small or minor capital improvements needed to bring the facility back into compliance;

"(ii) in which the deficiencies relate to capital improvements that are necessary to enlarge or improve the facilities in order to meet the current needs for domestic sanitation facilities; or

"(iii) in which the deficiencies relate to the lack of equipment or training by an Indian Tribe or community to properly operate and maintain the sanitation facilities.

"(C) A level III deficiency is an individual or community facility with water or sewer service in the home, piped services or a haul system with holding tanks and interior plumbing, or where major significant interruptions to water supply or sewage disposal occur frequently, requiring major capital improvements to correct the deficiencies. There is no access to or no approved or permitted solid waste facility available.



“(D) A level IV deficiency is an individual or community facility where there are no piped water or sewer facilities in the home or the facility has become inoperable due to major component failure or where only a washeteria or central facility exists.

“(E) A level V deficiency is the absence of a sanitation facility, where individual homes do not have access to safe drinking water or adequate wastewater disposal.

“(f) DEFINITIONS.—In this section:

“(1) FACILITY.—The terms ‘facility’ or ‘facilities’ shall have the same meaning as the terms ‘system’ or ‘systems’ unless the context requires otherwise.

“(2) INDIAN COMMUNITY.—The term ‘Indian community’ means a geographic area, a significant proportion of whose inhabitants are Indians and which is served by or capable of being served by a facility described in this section.

**“SEC. 303. PREFERENCE TO INDIANS AND INDIAN FIRMS.**

“(a) IN GENERAL.—The Secretary, acting through the Service, may utilize the negotiating authority of the Act of June 25, 1910 (25 U.S.C. 47), to give preference to any Indian or any enterprise, partnership, corporation, or other type of business organization owned and controlled by an Indian or Indians including former or currently federally recognized Indian tribes in the State of New York (hereinafter referred to as an ‘Indian firm’) in the construction and renovation of Service facilities pursuant to section 301 and in the construction of safe water and sanitary waste disposal facilities pursuant to section 302. Such preference may be accorded by the Secretary unless the Secretary finds, pursuant to rules and regulations promulgated by the Secretary, that the project or function to be contracted for will not be satisfactory or such project or function cannot be properly completed or maintained under the proposed contract. The Secretary, in arriving at such finding, shall consider whether the Indian or Indian firm will be deficient with respect to—

“(1) ownership and control by Indians;

“(2) equipment;

“(3) bookkeeping and accounting procedures;

“(4) substantive knowledge of the project or function to be contracted for;

“(5) adequately trained personnel; or

“(6) other necessary components of contract performance.

“(b) EXEMPTION FROM DAVIS-BACON.—For the purpose of implementing the provisions of this title, construction or renovation of facilities constructed or renovated in whole or in part by funds made available pursuant to this title are exempt from the Act of March 3, 1931 (40 U.S.C. 276a–276a-5, known as the Davis-Bacon Act). For all health facilities, staff quarters and sanitation facilities, construction and renovation subcontractors shall be paid wages at rates that are not less than the prevailing wage rates for similar construction in the locality involved, as determined by the Indian tribe, Tribes, or tribal organizations served by such facilities.

**“SEC. 304. SOBOBA SANITATION FACILITIES.**

“Nothing in the Act of December 17, 1970 (84 Stat. 1465) shall be construed to preclude the Soboba Band of Mission Indians and the Soboba Indian Reservation from being provided with sanitation facilities and services under the authority of section 7 of the Act of August 5, 1954 (68 Stat. 674), as amended by the Act of July 31, 1959 (73 Stat. 267).

**“SEC. 305. EXPENDITURE OF NONSERVICE FUNDS FOR RENOVATION.**

“(a) PERMISSIBILITY.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is au-

thorized to accept any major expansion, renovation or modernization by any Indian tribe of any Service facility, or of any other Indian health facility operated pursuant to a funding agreement entered into under the Indian Self-Determination and Education Assistance Act, including—

“(A) any plans or designs for such expansion, renovation or modernization; and

“(B) any expansion, renovation or modernization for which funds appropriated under any Federal law were lawfully expended;

but only if the requirements of subsection (b) are met.

“(2) PRIORITY LIST.—The Secretary shall maintain a separate priority list to address the need for increased operating expenses, personnel or equipment for such facilities described in paragraph (1). The methodology for establishing priorities shall be developed by negotiated rulemaking under section 802. The list of priority facilities will be revised annually in consultation with Indian tribes and tribal organizations.

“(3) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, the priority list maintained pursuant to paragraph (2).

“(b) REQUIREMENTS.—The requirements of this subsection are met with respect to any expansion, renovation or modernization if—

“(1) the tribe or tribal organization—

“(A) provides notice to the Secretary of its intent to expand, renovate or modernize; and

“(B) applies to the Secretary to be placed on a separate priority list to address the needs of such new facilities for increased operating expenses, personnel or equipment; and

“(2) the expansion renovation or modernization—

“(A) is approved by the appropriate area director of the Service for Federal facilities; and

“(B) is administered by the Indian tribe or tribal organization in accordance with any applicable regulations prescribed by the Secretary with respect to construction or renovation of Service facilities.

“(c) RIGHT OF TRIBE IN CASE OF FAILURE OF FACILITY TO BE USED AS A SERVICE FACILITY.—If any Service facility which has been expanded, renovated or modernized by an Indian tribe under this section ceases to be used as a Service facility during the 20-year period beginning on the date such expansion, renovation or modernization is completed, such Indian tribe shall be entitled to recover from the United States an amount which bears the same ratio to the value of such facility at the time of such cessation as the value of such expansion, renovation or modernization (less the total amount of any funds provided specifically for such facility under any Federal program that were expended for such expansion, renovation or modernization) bore to the value of such facility at the time of the completion of such expansion, renovation or modernization.

**“SEC. 306. FUNDING FOR THE CONSTRUCTION, EXPANSION, AND MODERNIZATION OF SMALL AMBULATORY CARE FACILITIES.**

“(a) AVAILABILITY OF FUNDING.—

“(1) IN GENERAL.—The Secretary, acting through the Service and in consultation with Indian tribes and tribal organization, shall make funding available to tribes and tribal organizations for the construction, expansion, or modernization of facilities for the provision of ambulatory care services to eligible Indians (and noneligible persons as provided for in subsections (b)(2) and (c)(1)(C)). Funding under this section may cover up to 100 percent of the costs of such construction, expansion, or modernization. For the pur-

poses of this section, the term ‘construction’ includes the replacement of an existing facility.

“(2) REQUIREMENT.—Funding under paragraph (1) may only be made available to an Indian tribe or tribal organization operating an Indian health facility (other than a facility owned or constructed by the Service, including a facility originally owned or constructed by the Service and transferred to an Indian tribe or tribal organization) pursuant to a funding agreement entered into under the Indian Self-Determination and Education Assistance Act.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—Funds provided under this section may be used only for the construction, expansion, or modernization (including the planning and design of such construction, expansion, or modernization) of an ambulatory care facility—

“(A) located apart from a hospital;

“(B) not funded under section 301 or section 307; and

“(C) which, upon completion of such construction, expansion, or modernization will—

“(i) have a total capacity appropriate to its projected service population;

“(ii) provide annually not less than 500 patient visits by eligible Indians and other users who are eligible for services in such facility in accordance with section 807(b)(1)(B); and

“(iii) provide ambulatory care in a service area (specified in the funding agreement entered into under the Indian Self-Determination and Education Assistance Act) with a population of not less than 1,500 eligible Indians and other users who are eligible for services in such facility in accordance with section 807(b)(1)(B).

“(2) LIMITATION.—Funding provided under this section may be used only for the cost of that portion of a construction, expansion or modernization project that benefits the service population described in clauses (ii) and (iii) of paragraph (1)(C). The requirements of such clauses (ii) and (iii) shall not apply to a tribe or tribal organization applying for funding under this section whose principal office for health care administration is located on an island or where such office is not located on a road system providing direct access to an inpatient hospital where care is available to the service population.

“(c) APPLICATION AND PRIORITY.—

“(1) APPLICATION.—No funding may be made available under this section unless an application for such funding has been submitted to and approved by the Secretary. An application or proposal for funding under this section shall be submitted in accordance with applicable regulations and shall set forth reasonable assurance by the applicant that, at all times after the construction, expansion, or modernization of a facility carried out pursuant to funding received under this section—

“(A) adequate financial support will be available for the provision of services at such facility;

“(B) such facility will be available to eligible Indians without regard to ability to pay or source of payment; and

“(C) such facility will, as feasible without diminishing the quality or quantity of services provided to eligible Indians, serve noneligible persons on a cost basis.

“(2) PRIORITY.—In awarding funds under this section, the Secretary shall give priority to tribes and tribal organizations that demonstrate—

“(A) a need for increased ambulatory care services; and

“(B) insufficient capacity to deliver such services.

“(d) FAILURE TO USE FACILITY AS HEALTH FACILITY.—If any facility (or portion thereof)

with respect to which funds have been paid under this section, ceases, within 5 years after completion of the construction, expansion, or modernization carried out with such funds, to be utilized for the purposes of providing health care services to eligible Indians, all of the right, title, and interest in and to such facility (or portion thereof) shall transfer to the United States unless otherwise negotiated by the Service and the Indian tribe or tribal organization.

“(e) NO INCLUSION IN TRIBAL SHARE.—Funding provided to Indian tribes and tribal organizations under this section shall be non-recurring and shall not be available for inclusion in any individual tribe's tribal share for an award under the Indian Self-Determination and Education Assistance Act or for reallocation or redesign thereunder.

**“SEC. 307. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECT.**

“(a) HEALTH CARE DELIVERY DEMONSTRATION PROJECTS.—The Secretary, acting through the Service and in consultation with Indian tribes and tribal organizations, may enter into funding agreements with, or make grants or loan guarantees to, Indian tribes or tribal organizations for the purpose of carrying out a health care delivery demonstration project to test alternative means of delivering health care and services through health facilities, including hospice, traditional Indian health and child care facilities, to Indians.

“(b) USE OF FUNDS.—The Secretary, in approving projects pursuant to this section, may authorize funding for the construction and renovation of hospitals, health centers, health stations, and other facilities to deliver health care services and is authorized to—

- “(1) waive any leasing prohibition;
- “(2) permit carryover of funds appropriated for the provision of health care services;
- “(3) permit the use of other available funds;
- “(4) permit the use of funds or property donated from any source for project purposes;
- “(5) provide for the reversion of donated real or personal property to the donor; and
- “(6) permit the use of Service funds to match other funds, including Federal funds.

“(c) CRITERIA.—

“(1) IN GENERAL.—The Secretary shall develop and publish regulations through rulemaking under section 802 for the review and approval of applications submitted under this section. The Secretary may enter into a contract, funding agreement or award a grant under this section for projects which meet the following criteria:

- “(A) There is a need for a new facility or program or the reorientation of an existing facility or program.
- “(B) A significant number of Indians, including those with low health status, will be served by the project.
- “(C) The project has the potential to address the health needs of Indians in an innovative manner.
- “(D) The project has the potential to deliver services in an efficient and effective manner.
- “(E) The project is economically viable.
- “(F) The Indian tribe or tribal organization has the administrative and financial capability to administer the project.
- “(G) The project is integrated with providers of related health and social services and is coordinated with, and avoids duplication of, existing services.

“(2) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications and to advise the Secretary regarding such applications using the criteria developed pursuant to paragraph (1).

“(3) PRIORITY.—The Secretary shall give priority to applications for demonstration

projects under this section in each of the following service units to the extent that such applications are filed in a timely manner and otherwise meet the criteria specified in paragraph (1):

- “(A) Cass Lake, Minnesota.
- “(B) Clinton, Oklahoma.
- “(C) Harlem, Montana.
- “(D) Mescalero, New Mexico.
- “(E) Owyhee, Nevada.
- “(F) Parker, Arizona.
- “(G) Schurz, Nevada.
- “(H) Winnebago, Nebraska.
- “(I) Ft. Yuma, California

“(d) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

“(e) SERVICE TO INELIGIBLE PERSONS.—The authority to provide services to persons otherwise ineligible for the health care benefits of the Service and the authority to extend hospital privileges in Service facilities to non-Service health care practitioners as provided in section 807 may be included, subject to the terms of such section, in any demonstration project approved pursuant to this section.

“(f) EQUITABLE TREATMENT.—For purposes of subsection (c)(1)(A), the Secretary shall, in evaluating facilities operated under any funding agreement entered into with the Service under the Indian Self-Determination and Education Assistance Act, use the same criteria that the Secretary uses in evaluating facilities operated directly by the Service.

“(g) EQUITABLE INTEGRATION OF FACILITIES.—The Secretary shall ensure that the planning, design, construction, renovation and expansion needs of Service and non-Service facilities which are the subject of a funding agreement for health services entered into with the Service under the Indian Self-Determination and Education Assistance Act, are fully and equitably integrated into the implementation of the health care delivery demonstration projects under this section.

**“SEC. 308. LAND TRANSFER.**

“(a) GENERAL AUTHORITY FOR TRANSFERS.—Notwithstanding any other provision of law, the Bureau of Indian Affairs and all other agencies and departments of the United States are authorized to transfer, at no cost, land and improvements to the Service for the provision of health care services. The Secretary is authorized to accept such land and improvements for such purposes.

“(b) CHEMAWA INDIAN SCHOOL.—The Bureau of Indian Affairs is authorized to transfer, at no cost, up to 5 acres of land at the Chemawa Indian School, Salem, Oregon, to the Service for the provision of health care services. The land authorized to be transferred by this section is that land adjacent to land under the jurisdiction of the Service and occupied by the Chemawa Indian Health Center.

**“SEC. 309. LEASES.**

“(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized, in carrying out the purposes of this Act, to enter into leases with Indian tribes and tribal organizations for periods not in excess of 20 years. Property leased by the Secretary from an Indian tribe or tribal organization may be reconstructed or renovated by the Secretary pursuant to an agreement with such Indian tribe or tribal organization.

“(b) FACILITIES FOR THE ADMINISTRATION AND DELIVERY OF HEALTH SERVICES.—The Secretary may enter into leases, contracts, and other legal agreements with Indian tribes or tribal organizations which hold—

- “(1) title to;

“(2) a leasehold interest in; or

“(3) a beneficial interest in (where title is held by the United States in trust for the benefit of a tribe); facilities used for the administration and delivery of health services by the Service or by programs operated by Indian tribes or tribal organizations to compensate such Indian tribes or tribal organizations for costs associated with the use of such facilities for such purposes, and such leases shall be considered as operating leases for the purposes of scoring under the Budget Enforcement Act, notwithstanding any other provision of law. Such costs include rent, depreciation based on the useful life of the building, principal and interest paid or accrued, operation and maintenance expenses, and other expenses determined by regulation to be allowable pursuant to regulations under section 105(l) of the Indian Self-Determination and Education Assistance Act.

**“SEC. 310. LOANS, LOAN GUARANTEES AND LOAN REPAYMENT.**

“(a) HEALTH CARE FACILITIES LOAN FUND.—There is established in the Treasury of the United States a fund to be known as the ‘Health Care Facilities Loan Fund’ (referred to in this Act as the ‘HCFLF’) to provide to Indian Tribes and tribal organizations direct loans, or guarantees for loans, for the construction of health care facilities (including inpatient facilities, outpatient facilities, associated staff quarters and specialized care facilities such as behavioral health and elder care facilities).

“(b) STANDARDS AND PROCEDURES.—The Secretary may promulgate regulations, developed through rulemaking as provided for in section 802, to establish standards and procedures for governing loans and loan guarantees under this section, subject to the following conditions:

“(1) The principal amount of a loan or loan guarantee may cover up to 100 percent of eligible costs, including costs for the planning, design, financing, site land development, construction, rehabilitation, renovation, conversion, improvements, medical equipment and furnishings, other facility related costs and capital purchase (but excluding staffing).

“(2) The cumulative total of the principal of direct loans and loan guarantees, respectively, outstanding at any one time shall not exceed such limitations as may be specified in appropriation Acts.

“(3) In the discretion of the Secretary, the program under this section may be administered by the Service or the Health Resources and Services Administration (which shall be specified by regulation).

“(4) The Secretary may make or guarantee a loan with a term of the useful estimated life of the facility, or 25 years, whichever is less.

“(5) The Secretary may allocate up to 100 percent of the funds available for loans or loan guarantees in any year for the purpose of planning and applying for a loan or loan guarantee.

“(6) The Secretary may accept an assignment of the revenue of an Indian tribe or tribal organization as security for any direct loan or loan guarantee under this section.

“(7) In the planning and design of health facilities under this section, users eligible under section 807(b) may be included in any projection of patient population.

“(8) The Secretary shall not collect loan application, processing or other similar fees from Indian tribes or tribal organizations applying for direct loans or loan guarantees under this section.

“(9) Service funds authorized under loans or loan guarantees under this section may be used in matching other Federal funds.

“(c) FUNDING.—

“(1) IN GENERAL.—The HCFLF shall consist of—

“(A) such sums as may be initially appropriated to the HCFLF and as may be subsequently appropriated under paragraph (2);

“(B) such amounts as may be collected from borrowers; and

“(C) all interest earned on amounts in the HCFLF.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to initiate the HCFLF. For each fiscal year after the initial year in which funds are appropriated to the HCFLF, there is authorized to be appropriated an amount equal to the sum of the amount collected by the HCFLF during the preceding fiscal year, and all accrued interest on such amounts.

“(3) AVAILABILITY OF FUNDS.—Amounts appropriated, collected or earned relative to the HCFLF shall remain available until expended.

“(d) FUNDING AGREEMENTS.—Amounts in the HCFLF and available pursuant to appropriation Acts may be expended by the Secretary, acting through the Service, to make loans under this section to an Indian tribe or tribal organization pursuant to a funding agreement entered into under the Indian Self-Determination and Education Assistance Act.

“(e) INVESTMENTS.—The Secretary of the Treasury shall invest such amounts of the HCFLF as such Secretary determines are not required to meet current withdrawals from the HCFLF. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price. Any obligation acquired by the fund may be sold by the Secretary of the Treasury at the market price.

“(f) GRANTS.—The Secretary is authorized to establish a program to provide grants to Indian tribes and tribal organizations for the purpose of repaying all or part of any loan obtained by an Indian tribe or tribal organization for construction and renovation of health care facilities (including inpatient facilities, outpatient facilities, associated staff quarters and specialized care facilities). Loans eligible for such repayment grants shall include loans that have been obtained under this section or otherwise.

#### “SEC. 311. TRIBAL LEASING.

“Indian Tribes and tribal organizations providing health care services pursuant to a funding agreement contract entered into under the Indian Self-Determination and Education Assistance Act may lease permanent structures for the purpose of providing such health care services without obtaining advance approval in appropriation Acts.

#### “SEC. 312. INDIAN HEALTH SERVICE/TRIBAL FACILITIES JOINT VENTURE PROGRAM.

“(a) AUTHORITY.—

“(1) IN GENERAL.—The Secretary, acting through the Service, shall make arrangements with Indian tribes and tribal organizations to establish joint venture demonstration projects under which an Indian tribe or tribal organization shall expend tribal, private, or other available funds, for the acquisition or construction of a health facility for a minimum of 10 years, under a no-cost lease, in exchange for agreement by the Service to provide the equipment, supplies, and staffing for the operation and maintenance of such a health facility.

“(2) USE OF RESOURCES.—A tribe or tribal organization may utilize tribal funds, private sector, or other available resources, including loan guarantees, to fulfill its commitment under this subsection.

“(3) ELIGIBILITY OF CERTAIN ENTITIES.—A tribe that has begun and substantially completed the process of acquisition or construction of a health facility shall be eligible to establish a joint venture project with the Service using such health facility.

“(b) REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary shall enter into an arrangement under subsection (a)(1) with an Indian tribe or tribal organization only if—

“(A) the Secretary first determines that the Indian tribe or tribal organization has the administrative and financial capabilities necessary to complete the timely acquisition or construction of the health facility described in subsection (a)(1); and

“(B) the Indian tribe or tribal organization meets the needs criteria that shall be developed through the negotiated rulemaking process provided for under section 802.

“(2) CONTINUED OPERATION OF FACILITY.—The Secretary shall negotiate an agreement with the Indian tribe or tribal organization regarding the continued operation of a facility under this section at the end of the initial 10 year no-cost lease period.

“(3) BREACH OR TERMINATION OF AGREEMENT.—An Indian tribe or tribal organization that has entered into a written agreement with the Secretary under this section, and that breaches or terminates without cause such agreement, shall be liable to the United States for the amount that has been paid to the tribe or tribal organization, or paid to a third party on the tribe's or tribal organization's behalf, under the agreement. The Secretary has the right to recover tangible property (including supplies), and equipment, less depreciation, and any funds expended for operations and maintenance under this section. The preceding sentence shall not apply to any funds expended for the delivery of health care services, or for personnel or staffing.

“(d) RECOVERY FOR NON-USE.—An Indian tribe or tribal organization that has entered into a written agreement with the Secretary under this section shall be entitled to recover from the United States an amount that is proportional to the value of such facility should at any time within 10 years the Service ceases to use the facility or otherwise breaches the agreement.

“(e) DEFINITION.—In this section, the terms ‘health facility’ or ‘health facilities’ include staff quarters needed to provide housing for the staff of the tribal health program.

#### “SEC. 313. LOCATION OF FACILITIES.

“(a) PRIORITY.—The Bureau of Indian Affairs and the Service shall, in all matters involving the reorganization or development of Service facilities, or in the establishment of related employment projects to address unemployment conditions in economically depressed areas, give priority to locating such facilities and projects on Indian lands if requested by the Indian owner and the Indian tribe with jurisdiction over such lands or other lands owned or leased by the Indian tribe or tribal organization so long as priority is given to Indian land owned by an Indian tribe or tribes.

“(b) DEFINITION.—In this section, the term ‘Indian lands’ means—

“(1) all lands within the exterior boundaries of any Indian reservation;

“(2) any lands title to which is held in trust by the United States for the benefit of any Indian tribe or individual Indian, or held by any Indian tribe or individual Indian subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power; and

“(3) all lands in Alaska owned by any Alaska Native village, or any village or regional corporation under the Alaska Native Claims

Settlement Act, or any land allotted to any Alaska Native.

#### “SEC. 314. MAINTENANCE AND IMPROVEMENT OF HEALTH CARE FACILITIES.

“(a) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report that identifies the backlog of maintenance and repair work required at both Service and tribal facilities, including new facilities expected to be in operation in the fiscal year after the year for which the report is being prepared. The report shall identify the need for renovation and expansion of existing facilities to support the growth of health care programs.

“(b) MAINTENANCE OF NEWLY CONSTRUCTED SPACE.—

“(1) IN GENERAL.—The Secretary may expend maintenance and improvement funds to support the maintenance of newly constructed space only if such space falls within the approved supportable space allocation for the Indian tribe or tribal organization.

“(2) DEFINITION.—For purposes of paragraph (1), the term ‘supportable space allocation’ shall be defined through the negotiated rulemaking process provided for under section 802.

“(c) CONSTRUCTION OF REPLACEMENT FACILITIES.—

“(1) IN GENERAL.—In addition to using maintenance and improvement funds for the maintenance of facilities under subsection (b)(1), an Indian tribe or tribal organization may use such funds for the construction of a replacement facility if the costs of the renovation of such facility would exceed a maximum renovation cost threshold.

“(2) DEFINITION.—For purposes of paragraph (1), the term ‘maximum renovation cost threshold’ shall be defined through the negotiated rulemaking process provided for under section 802.

#### “SEC. 315. TRIBAL MANAGEMENT OF FEDERALLY-OWNED QUARTERS.

“(a) ESTABLISHMENT OF RENTAL RATES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, an Indian tribe or tribal organization which operates a hospital or other health facility and the Federally-owned quarters associated therewith, pursuant to a funding agreement under the Indian Self-Determination and Education Assistance Act, may establish the rental rates charged to the occupants of such quarters by providing notice to the Secretary of its election to exercise such authority.

“(2) OBJECTIVES.—In establishing rental rates under paragraph (1), an Indian tribe or tribal organization shall attempt to achieve the following objectives:

“(A) The rental rates should be based on the reasonable value of the quarters to the occupants thereof.

“(B) The rental rates should generate sufficient funds to prudently provide for the operation and maintenance of the quarters, and, subject to the discretion of the Indian tribe or tribal organization, to supply reserve funds for capital repairs and replacement of the quarters.

“(3) ELIGIBILITY FOR QUARTERS IMPROVEMENT AND REPAIR.—Any quarters whose rental rates are established by an Indian tribe or tribal organization under this subsection shall continue to be eligible for quarters improvement and repair funds to the same extent as other Federally-owned quarters that are used to house personnel in Service-supported programs.

“(4) NOTICE OF CHANGE IN RATES.—An Indian tribe or tribal organization that exercises the authority provided under this subsection shall provide occupants with not less than 60 days notice of any change in rental rates.

“(b) COLLECTION OF RENTS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, and subject to paragraph (2), an Indian tribe or a tribal organization that operates Federally-owned quarters pursuant to a funding agreement under the Indian Self-Determination and Education Assistance Act shall have the authority to collect rents directly from Federal employees who occupy such quarters in accordance with the following:

“(A) The Indian tribe or tribal organization shall notify the Secretary and the Federal employees involved of its election to exercise its authority to collect rents directly from such Federal employees.

“(B) Upon the receipt of a notice described in subparagraph (A), the Federal employees involved shall pay rents for the occupancy of such quarters directly to the Indian tribe or tribal organization and the Secretary shall have no further authority to collect rents from such employees through payroll deduction or otherwise.

“(C) Such rent payments shall be retained by the Indian tribe or tribal organization and shall not be made payable to or otherwise be deposited with the United States.

“(D) Such rent payments shall be deposited into a separate account which shall be used by the Indian tribe or tribal organization for the maintenance (including capital repairs and replacement expenses) and operation of the quarters and facilities as the Indian tribe or tribal organization shall determine appropriate.

“(2) RETROCESSION.—If an Indian tribe or tribal organization which has made an election under paragraph (1) requests retrocession of its authority to directly collect rents from Federal employees occupying Federally-owned quarters, such retrocession shall become effective on the earlier of—

“(A) the first day of the month that begins not less than 180 days after the Indian tribe or tribal organization notifies the Secretary of its desire to retrocede; or

“(B) such other date as may be mutually agreed upon by the Secretary and the Indian tribe or tribal organization.

“(c) RATES.—To the extent that an Indian tribe or tribal organization, pursuant to authority granted in subsection (a), establishes rental rates for Federally-owned quarters provided to a Federal employee in Alaska, such rents may be based on the cost of comparable private rental housing in the nearest established community with a year-round population of 1,500 or more individuals.—

“SEC. 316. APPLICABILITY OF BUY AMERICAN REQUIREMENT.

“(a) IN GENERAL.—The Secretary shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to the authorization contained in section 318, except that Indian tribes and tribal organizations shall be exempt from such requirements.

“(b) FALSE OR MISLEADING LABELING.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ‘Made in America’ inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to the authorization contained in section 318, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(c) DEFINITION.—In this section, the term ‘Buy American Act’ means title III of the Act entitled ‘An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30,

1934, and for other purposes’, approved March 3, 1933 (41 U.S.C. 10a et seq.).

“SEC. 317. OTHER FUNDING FOR FACILITIES.

“Notwithstanding any other provision of law—

“(1) the Secretary may accept from any source, including Federal and State agencies, funds that are available for the construction of health care facilities and use such funds to plan, design and construct health care facilities for Indians and to place such funds into funding agreements authorized under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f et seq.) between the Secretary and an Indian tribe or tribal organization, except that the receipt of such funds shall not have an effect on the priorities established pursuant to section 301;

“(2) the Secretary may enter into inter-agency agreements with other Federal or State agencies and other entities and to accept funds from such Federal or State agencies or other entities to provide for the planning, design and construction of health care facilities to be administered by the Service or by Indian tribes or tribal organizations under the Indian Self-Determination and Education Assistance Act in order to carry out the purposes of this Act, together with the purposes for which such funds are appropriated to such other Federal or State agency or for which the funds were otherwise provided;

“(3) any Federal agency to which funds for the construction of health care facilities are appropriated is authorized to transfer such funds to the Secretary for the construction of health care facilities to carry out the purposes of this Act as well as the purposes for which such funds are appropriated to such other Federal agency; and

“(4) the Secretary, acting through the Service, shall establish standards under regulations developed through rulemaking under section 802, for the planning, design and construction of health care facilities serving Indians under this Act.

“SEC. 318. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.

“TITLE IV—ACCESS TO HEALTH SERVICES

“SEC. 401. TREATMENT OF PAYMENTS UNDER MEDICARE PROGRAM.

“(a) IN GENERAL.—Any payments received by the Service, by an Indian tribe or tribal organization pursuant to a funding agreement under the Indian Self-Determination and Education Assistance Act, or by an urban Indian organization pursuant to title V of this Act for services provided to Indians eligible for benefits under title XVIII of the Social Security Act shall not be considered in determining appropriations for health care and services to Indians.

“(b) EQUAL TREATMENT.—Nothing in this Act authorizes the Secretary to provide services to an Indian beneficiary with coverage under title XVIII of the Social Security Act in preference to an Indian beneficiary without such coverage.

“(c) SPECIAL FUND.—

“(1) USE OF FUNDS.—Notwithstanding any other provision of this title or of title XVIII of the Social Security Act, payments to which any facility of the Service is entitled by reason of this section shall be placed in a special fund to be held by the Secretary and first used (to such extent or in such amounts as are provided in appropriation Acts) for the purpose of making any improvements in the programs of the Service which may be necessary to achieve or maintain compliance with the applicable conditions and requirements of this title and of title XVIII of the

Social Security Act. Any funds to be reimbursed which are in excess of the amount necessary to achieve or maintain such conditions and requirements shall, subject to the consultation with tribes being served by the service unit, be used for reducing the health resource deficiencies of the Indian tribes.

“(2) NONAPPLICATION IN CASE OF ELECTION FOR DIRECT BILLING.—Paragraph (1) shall not apply upon the election of an Indian tribe or tribal organization under section 405 to receive direct payments for services provided to Indians eligible for benefits under title XVIII of the Social Security Act.

“SEC. 402. TREATMENT OF PAYMENTS UNDER MEDICAID PROGRAM.

“(a) SPECIAL FUND.—

“(1) USE OF FUNDS.—Notwithstanding any other provision of law, payments to which any facility of the Service (including a hospital, nursing facility, intermediate care facility for the mentally retarded, or any other type of facility which provides services for which payment is available under title XIX of the Social Security Act) is entitled under a State plan by reason of section 1911 of such Act shall be placed in a special fund to be held by the Secretary and first used (to such extent or in such amounts as are provided in appropriation Acts) for the purpose of making any improvements in the facilities of such Service which may be necessary to achieve or maintain compliance with the applicable conditions and requirements of such title. Any payments which are in excess of the amount necessary to achieve or maintain such conditions and requirements shall, subject to the consultation with tribes being served by the service unit, be used for reducing the health resource deficiencies of the Indian tribes. In making payments from such fund, the Secretary shall ensure that each service unit of the Service receives 100 percent of the amounts to which the facilities of the Service, for which such service unit makes collections, are entitled by reason of section 1911 of the Social Security Act.

“(2) NONAPPLICATION IN CASE OF ELECTION FOR DIRECT BILLING.—Paragraph (1) shall not apply upon the election of an Indian tribe or tribal organization under section 405 to receive direct payments for services provided to Indians eligible for medical assistance under title XIX of the Social Security Act.

“(b) PAYMENTS DISREGARDED FOR APPROPRIATIONS.—Any payments received under section 1911 of the Social Security Act for services provided to Indians eligible for benefits under title XIX of the Social Security Act shall not be considered in determining appropriations for the provision of health care and services to Indians.

“(c) DIRECT BILLING.—For provisions relating to the authority of certain Indian tribes and tribal organizations to elect to directly bill for, and receive payment for, health care services provided by a hospital or clinic of such tribes or tribal organizations and for which payment may be made under this title, see section 405.

“SEC. 403. REPORT.

“(a) INCLUSION IN ANNUAL REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to the Congress under section 801, an accounting on the amount and use of funds made available to the Service pursuant to this title as a result of reimbursements under titles XVIII and XIX of the Social Security Act.

“(b) IDENTIFICATION OF SOURCE OF PAYMENTS.—If an Indian tribe or tribal organization receives funding from the Service under the Indian Self-Determination and Education Assistance Act or an urban Indian organization receives funding from the Service under Title V of this Act and receives reimbursements or payments under title XVIII,

XIX, or XXI of the Social Security Act, such Indian tribe or tribal organization, or urban Indian organization, shall provide to the Service a list of each provider enrollment number (or other identifier) under which it receives such reimbursements or payments.

**"SEC. 404. GRANTS TO AND FUNDING AGREEMENTS WITH THE SERVICE, INDIAN TRIBES OR TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS.**

"(a) IN GENERAL.—The Secretary shall make grants to or enter into funding agreements with Indian tribes and tribal organizations to assist such organizations in establishing and administering programs on or near Federal Indian reservations and trust areas and in or near Alaska Native villages to assist individual Indians to—

"(1) enroll under sections 1818, 1836, and 1837 of the Social Security Act;

"(2) pay premiums for health insurance coverage; and

"(3) apply for medical assistance provided pursuant to titles XIX and XXI of the Social Security Act.

"(b) CONDITIONS.—The Secretary shall place conditions as deemed necessary to effect the purpose of this section in any funding agreement or grant which the Secretary makes with any Indian tribe or tribal organization pursuant to this section. Such conditions shall include, but are not limited to, requirements that the organization successfully undertake to—

"(1) determine the population of Indians to be served that are or could be recipients of benefits or assistance under titles XVIII, XIX, and XXI of the Social Security Act;

"(2) assist individual Indians in becoming familiar with and utilizing such benefits and assistance;

"(3) provide transportation to such individual Indians to the appropriate offices for enrollment or applications for such benefits and assistance;

"(4) develop and implement—

"(A) a schedule of income levels to determine the extent of payments of premiums by such organizations for health insurance coverage of needy individuals; and

"(B) methods of improving the participation of Indians in receiving the benefits and assistance provided under titles XVIII, XIX, and XXI of the Social Security Act.

"(c) AGREEMENTS FOR RECEIPT AND PROCESSING OF APPLICATIONS.—The Secretary may enter into an agreement with an Indian tribe or tribal organization, or an urban Indian organization, which provides for the receipt and processing of applications for medical assistance under title XIX of the Social Security Act, child health assistance under title XXI of such Act and benefits under title XVIII of such Act by a Service facility or a health care program administered by such Indian tribe or tribal organization, or urban Indian organization, pursuant to a funding agreement under the Indian Self-Determination and Education Assistance Act or a grant or contract entered into with an urban Indian organization under title V of this Act. Notwithstanding any other provision of law, such agreements shall provide for reimbursement of the cost of outreach, education regarding eligibility and benefits, and translation when such services are provided. The reimbursement may be included in an encounter rate or be made on a fee-for-service basis as appropriate for the provider. When necessary to carry out the terms of this section, the Secretary, acting through the Health Care Financing Administration or the Service, may enter into agreements with a State (or political subdivision thereof) to facilitate cooperation between the State and the Service, an Indian tribe or tribal organization, and an urban Indian organization.

"(d) GRANTS.—

"(1) IN GENERAL.—The Secretary shall make grants to or enter into contracts with urban Indian organizations to assist such organizations in establishing and administering programs to assist individual urban Indians to—

"(A) enroll under sections 1818, 1836, and 1837 of the Social Security Act;

"(B) pay premiums on behalf of such individuals for coverage under title XVIII of such Act; and

"(C) apply for medical assistance provided under title XIX of such Act and for child health assistance under title XXI of such Act.

"(2) REQUIREMENTS.—The Secretary shall include in the grants or contracts made or entered into under paragraph (1) requirements that are—

"(A) consistent with the conditions imposed by the Secretary under subsection (b);

"(B) appropriate to urban Indian organizations and urban Indians; and

"(C) necessary to carry out the purposes of this section.

**"SEC. 405. DIRECT BILLING AND REIMBURSEMENT OF MEDICARE, MEDICAID, AND OTHER THIRD PARTY PAYORS.**

"(a) DIRECT BILLING.—

"(1) IN GENERAL.—An Indian tribe or tribal organization may directly bill for, and receive payment for, health care services provided by such tribe or organization for which payment is made under title XVIII of the Social Security Act, under a State plan for medical assistance approved under title XIX of such Act, under a State child health plan approved under title XXI of such Act, or from any other third party payor.

"(2) APPLICATION OF 100 PERCENT FMAP.—The first sentence of section 1905(b) of the Social Security Act and section 2101(c) of such Act shall apply for purposes of reimbursement under the medicare or State children's health insurance program for health care services directly billed under the program established under this section.

"(b) DIRECT REIMBURSEMENT.—

"(1) USE OF FUNDS.—Each Indian tribe or tribal organization exercising the option described in subsection (a) of this section shall be reimbursed directly under the medicare, medicaid, and State children's health insurance programs for services furnished, without regard to the provisions of sections 1880(c) of the Social Security Act and section 402(a) of this Act, but all funds so reimbursed shall first be used by the health program for the purpose of making any improvements in the facility or health programs that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to such health services under the medicare, medicaid, or State children's health insurance program. Any funds so reimbursed which are in excess of the amount necessary to achieve or maintain such conditions or requirements shall be used to provide additional health services, improvements in its health care facilities, or otherwise to achieve the health objectives provided for under section 3 of this Act.

"(2) AUDITS.—The amounts paid to the health programs exercising the option described in subsection (a) shall be subject to all auditing requirements applicable to programs administered directly by the Service and to facilities participating in the medicare, medicaid, and State children's health insurance programs.

"(3) NO PAYMENTS FROM SPECIAL FUNDS.—Notwithstanding section 401(c) or section 402(a), no payment may be made out of the special fund described in section 401(c) or 402(a), for the benefit of any health program exercising the option described in subsection

(a) of this section during the period of such participation.

"(c) EXAMINATION AND IMPLEMENTATION OF CHANGES.—The Secretary, acting through the Service, and with the assistance of the Administrator of the Health Care Financing Administration, shall examine on an ongoing basis and implement any administrative changes that may be necessary to facilitate direct billing and reimbursement under the program established under this section, including any agreements with States that may be necessary to provide for direct billing under the medicaid or State children's health insurance program.

"(d) WITHDRAWAL FROM PROGRAM.—A participant in the program established under this section may withdraw from participation in the same manner and under the same conditions that an Indian tribe or tribal organization may retrocede a contracted program to the Secretary under authority of the Indian Self-Determination and Education Assistance Act. All cost accounting and billing authority under the program established under this section shall be returned to the Secretary upon the Secretary's acceptance of the withdrawal of participation in this program.

"(e) LIMITATION.—Notwithstanding this section, absent specific written authorization by the governing body of an Indian tribe for the period of such authorization (which may not be for a period of more than 1 year and which may be revoked at any time upon written notice by the governing body to the Service), neither the United States through the Service, nor an Indian tribe or tribal organization under a funding agreement pursuant to the Indian Self-Determination and Education Assistance Act, nor an urban Indian organization funded under title V, shall have a right of recovery under this section if the injury, illness, or disability for which health services were provided is covered under a self-insurance plan funded by an Indian tribe or tribal organization, or urban Indian organization. Where such tribal authorization is provided, the Service may receive and expend such funds for the provision of additional health services.

**"SEC. 406. REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.**

"(a) RIGHT OF RECOVERY.—Except as provided in subsection (g), the United States, an Indian tribe or tribal organization shall have the right to recover the reasonable charges billed or expenses incurred by the Secretary or an Indian tribe or tribal organization in providing health services, through the Service or an Indian tribe or tribal organization to any individual to the same extent that such individual, or any nongovernmental provider of such services, would be eligible to receive reimbursement or indemnification for such charges or expenses if—

"(1) such services had been provided by a nongovernmental provider; and

"(2) such individual had been required to pay such charges or expenses and did pay such expenses.

"(b) URBAN INDIAN ORGANIZATIONS.—Except as provided in subsection (g), an urban Indian organization shall have the right to recover the reasonable charges billed or expenses incurred by the organization in providing health services to any individual to the same extent that such individual, or any other nongovernmental provider of such services, would be eligible to receive reimbursement or indemnification for such charges or expenses if such individual had been required to pay such charges or expenses and did pay such charges or expenses.

"(c) LIMITATIONS ON RECOVERIES FROM STATES.—Subsections (a) and (b) shall provide a right of recovery against any State,

only if the injury, illness, or disability for which health services were provided is covered under—

“(1) workers’ compensation laws; or

“(2) a no-fault automobile accident insurance plan or program.

“(d) NONAPPLICATION OF OTHER LAWS.—No law of any State, or of any political subdivision of a State and no provision of any contract entered into or renewed after the date of enactment of the Indian Health Care Amendments of 1988, shall prevent or hinder the right of recovery of the United States or an Indian tribe or tribal organization under subsection (a), or an urban Indian organization under subsection (b).

“(e) NO EFFECT ON PRIVATE RIGHTS OF ACTION.—No action taken by the United States or an Indian tribe or tribal organization to enforce the right of recovery provided under subsection (a), or by an urban Indian organization to enforce the right of recovery provided under subsection (b), shall affect the right of any person to any damages (other than damages for the cost of health services provided by the Secretary through the Service).

“(f) METHODS OF ENFORCEMENT.—

“(1) IN GENERAL.—The United States or an Indian tribe or tribal organization may enforce the right of recovery provided under subsection (a), and an urban Indian organization may enforce the right of recovery provided under subsection (b), by—

“(A) intervening or joining in any civil action or proceeding brought—

“(i) by the individual for whom health services were provided by the Secretary, an Indian tribe or tribal organization, or urban Indian organization; or

“(ii) by any representative or heirs of such individual; or

“(B) instituting a civil action.

“(2) NOTICE.—All reasonable efforts shall be made to provide notice of an action instituted in accordance with paragraph (1)(B) to the individual to whom health services were provided, either before or during the pendency of such action.

“(g) LIMITATION.—Notwithstanding this section, absent specific written authorization by the governing body of an Indian tribe for the period of such authorization (which may not be for a period of more than 1 year and which may be revoked at any time upon written notice by the governing body to the Service), neither the United States through the Service, nor an Indian tribe or tribal organization under a funding agreement pursuant to the Indian Self-Determination and Education Assistance Act, nor an urban Indian organization funded under title V, shall have a right of recovery under this section if the injury, illness, or disability for which health services were provided is covered under a self-insurance plan funded by an Indian tribe or tribal organization, or urban Indian organization. Where such tribal authorization is provided, the Service may receive and expend such funds for the provision of additional health services.

“(h) COSTS AND ATTORNEYS’ FEES.—In any action brought to enforce the provisions of this section, a prevailing plaintiff shall be awarded reasonable attorneys’ fees and costs of litigation.

“(i) RIGHT OF ACTION AGAINST INSURERS AND EMPLOYEE BENEFIT PLANS.—

“(1) IN GENERAL.—Where an insurance company or employee benefit plan fails or refuses to pay the amount due under subsection (a) for services provided to an individual who is a beneficiary, participant, or insured of such company or plan, the United States or an Indian tribe or tribal organization shall have a right to assert and pursue all the claims and remedies against such company or plan, and against the fiduciaries

of such company or plan, that the individual could assert or pursue under applicable Federal, State or tribal law.

“(2) URBAN INDIAN ORGANIZATIONS.—Where an insurance company or employee benefit plan fails or refuses to pay the amounts due under subsection (b) for health services provided to an individual who is a beneficiary, participant, or insured of such company or plan, the urban Indian organization shall have a right to assert and pursue all the claims and remedies against such company or plan, and against the fiduciaries of such company or plan, that the individual could assert or pursue under applicable Federal or State law.

“(j) NONAPPLICATION OF CLAIMS FILING REQUIREMENTS.—Notwithstanding any other provision in law, the Service, an Indian tribe or tribal organization, or an urban Indian organization shall have a right of recovery for any otherwise reimbursable claim filed on a current HCFA-1500 or UB-92 form, or the current NSF electronic format, or their successors. No health plan shall deny payment because a claim has not been submitted in a unique format that differs from such forms.

“SEC. 407. CREDITING OF REIMBURSEMENTS.

“(a) RETENTION OF FUNDS.—Except as provided in section 202(d), this title, and section 807, all reimbursements received or recovered under the authority of this Act, Public Law 87-693, or any other provision of law, by reason of the provision of health services by the Service or by an Indian tribe or tribal organization under a funding agreement pursuant to the Indian Self-Determination and Education Assistance Act, or by an urban Indian organization funded under title V, shall be retained by the Service or that tribe or tribal organization and shall be available for the facilities, and to carry out the programs, of the Service or that tribe or tribal organization to provide health care services to Indians.

“(b) NO OFFSET OF FUNDS.—The Service may not offset or limit the amount of funds obligated to any service unit or entity receiving funding from the Service because of the receipt of reimbursements under subsection (a).

“SEC. 408. PURCHASING HEALTH CARE COVERAGE.

“An Indian tribe or tribal organization, and an urban Indian organization may utilize funding from the Secretary under this Act to purchase managed care coverage for Service beneficiaries (including insurance to limit the financial risks of managed care entities) from—

“(1) a tribally owned and operated managed care plan;

“(2) a State or locally-authorized or licensed managed care plan; or

“(3) a health insurance provider.

“SEC. 409. INDIAN HEALTH SERVICE, DEPARTMENT OF VETERAN'S AFFAIRS, AND OTHER FEDERAL AGENCY HEALTH FACILITIES AND SERVICES SHARING.

“(a) EXAMINATION OF FEASIBILITY OF ARRANGEMENTS.—

“(1) IN GENERAL.—The Secretary shall examine the feasibility of entering into arrangements or expanding existing arrangements for the sharing of medical facilities and services between the Service and the Veterans’ Administration, and other appropriate Federal agencies, including those within the Department, and shall, in accordance with subsection (b), prepare a report on the feasibility of such arrangements.

“(2) SUBMISSION OF REPORT.—Not later than September 30, 2000, the Secretary shall submit the report required under paragraph (1) to Congress.

“(3) CONSULTATION REQUIRED.—The Secretary may not finalize any arrangement de-

scribed in paragraph (1) without first consulting with the affected Indian tribes.

“(b) LIMITATIONS.—The Secretary shall not take any action under this section or under subchapter IV of chapter 81 of title 38, United States Code, which would impair—

“(1) the priority access of any Indian to health care services provided through the Service;

“(2) the quality of health care services provided to any Indian through the Service;

“(3) the priority access of any veteran to health care services provided by the Veterans’ Administration;

“(4) the quality of health care services provided to any veteran by the Veteran’s Administration;

“(5) the eligibility of any Indian to receive health services through the Service; or

“(6) the eligibility of any Indian who is a veteran to receive health services through the Veterans’ Administration provided, however, the Service or the Indian tribe or tribal organization shall be reimbursed by the Veterans’ Administration where services are provided through the Service or Indian tribes or tribal organizations to beneficiaries eligible for services from the Veterans’ Administration, notwithstanding any other provision of law.

“(c) AGREEMENTS FOR PARITY IN SERVICES.—The Service may enter into agreements with other Federal agencies to assist in achieving parity in services for Indians. Nothing in this section may be construed as creating any right of a veteran to obtain health services from the Service.

“SEC. 410. PAYOR OF LAST RESORT.

“The Service, and programs operated by Indian tribes or tribal organizations, or urban Indian organizations shall be the payor of last resort for services provided to individuals eligible for services from the Service and such programs, notwithstanding any Federal, State or local law to the contrary, unless such law explicitly provides otherwise.

“SEC. 411. RIGHT TO RECOVER FROM FEDERAL HEALTH CARE PROGRAMS.

“Notwithstanding any other provision of law, the Service, Indian tribes or tribal organizations, and urban Indian organizations (notwithstanding limitations on who is eligible to receive services from such entities) shall be entitled to receive payment or reimbursement for services provided by such entities from any Federally funded health care program, unless there is an explicit prohibition on such payments in the applicable authorizing statute.

“SEC. 412. TUBA CITY DEMONSTRATION PROJECT.

“(a) IN GENERAL.—Notwithstanding any other provision of law, including the Anti-Deficiency Act, provided the Indian tribes to be served approve, the Service in the Tuba City Service Unit may—

“(1) enter into a demonstration project with the State of Arizona under which the Service would provide certain specified Medicaid services to individuals dually eligible for services from the Service and for medical assistance under title XIX of the Social Security Act in return for payment on a capitated basis from the State of Arizona; and

“(2) purchase insurance to limit the financial risks under the project.

“(b) EXTENSION OF PROJECT.—The demonstration project authorized under subsection (a) may be extended to other service units in Arizona, subject to the approval of the Indian tribes to be served in such service units, the Service, and the State of Arizona.

“SEC. 413. ACCESS TO FEDERAL INSURANCE.

“Notwithstanding the provisions of title 5, United States Code, Executive Order, or administrative regulation, an Indian tribe or

tribal organization carrying out programs under the Indian Self-Determination and Education Assistance Act or an urban Indian organization carrying out programs under title V of this Act shall be entitled to purchase coverage, rights and benefits for the employees of such Indian tribe or tribal organization, or urban Indian organization, under chapter 89 of title 5, United States Code, and chapter 87 of such title if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with such Indian tribe or tribal organization, or urban Indian organization, are currently deposited in the applicable Employee's Fund under such title.

**"SEC. 414. CONSULTATION AND RULEMAKING.**

"(a) CONSULTATION.—Prior to the adoption of any policy or regulation by the Health Care Financing Administration, the Secretary shall require the Administrator of that Administration to—

"(1) identify the impact such policy or regulation may have on the Service, Indian tribes or tribal organizations, and urban Indian organizations;

"(2) provide to the Service, Indian tribes or tribal organizations, and urban Indian organizations the information described in paragraph (1);

"(3) engage in consultation, consistent with the requirements of Executive Order 13084 of May 14, 1998, with the Service, Indian tribes or tribal organizations, and urban Indian organizations prior to enacting any such policy or regulation.

"(b) RULEMAKING.—The Administrator of the Health Care Financing Administration shall participate in the negotiated rulemaking provided for under title VIII with regard to any regulations necessary to implement the provisions of this title that relate to the Social Security Act.

**"SEC. 415. LIMITATIONS ON CHARGES.**

"No provider of health services that is eligible to receive payments or reimbursements under titles XVIII, XIX, or XXI of the Social Security Act or from any Federally funded (whether in whole or part) health care program may seek to recover payment for services—

"(1) that are covered under and furnished to an individual eligible for the contract health services program operated by the Service, by an Indian tribe or tribal organization, or furnished to an urban Indian organization, in an amount in excess of the lowest amount paid by any other payor for comparable services; or

"(2) for examinations or other diagnostic procedures that are not medically necessary if such procedures have already been performed by the referring Indian health program and reported to the provider.

**"SEC. 416. LIMITATION ON SECRETARY'S WAIVER AUTHORITY.**

"Notwithstanding any other provision of law, the Secretary may not waive the application of section 1902(a)(13)(D) of the Social Security Act to any State plan under title XIX of the Social Security Act.

**"SEC. 417. WAIVER OF MEDICARE AND MEDICAID SANCTIONS.**

"Notwithstanding any other provision of law, the Service or an Indian tribe or tribal organization or an urban Indian organization operating a health program under the Indian Self-Determination and Education Assistance Act shall be entitled to seek a waiver of sanctions imposed under title XVIII, XIX, or XXI of the Social Security Act as if such entity were directly responsible for administering the State health care program.

**"SEC. 418. MEANING OF 'REMUNERATION' FOR PURPOSES OF SAFE HARBOR PROVISIONS; ANTITRUST IMMUNITY.**

"(a) MEANING OF REMUNERATION.—Notwithstanding any other provision of law, the term 'remuneration' as used in sections 1128A and 1128B of the Social Security Act shall not include any exchange of anything of value between or among—

"(1) any Indian tribe or tribal organization or an urban Indian organization that administers health programs under the authority of the Indian Self-Determination and Education Assistance Act;

"(2) any such Indian tribe or tribal organization or urban Indian organization and the Service;

"(3) any such Indian tribe or tribal organization or urban Indian organization and any patient served or eligible for service under such programs, including patients served or eligible for service pursuant to section 813 of this Act (as in effect on the day before the date of enactment of the Indian Health Care Improvement Act Reauthorization of 2000); or

"(4) any such Indian tribe or tribal organization or urban Indian organization and any third party required by contract, section 206 or 207 of this Act (as so in effect), or other applicable law, to pay or reimburse the reasonable health care costs incurred by the United States or any such Indian tribe or tribal organization or urban Indian organization;

provided the exchange arises from or relates to such health programs.

"(b) ANTITRUST IMMUNITY.—An Indian tribe or tribal organization or an urban Indian organization that administers health programs under the authority of the Indian Self-Determination and Education Assistance Act or title V shall be deemed to be an agency of the United States and immune from liability under the Acts commonly known as the Sherman Act, the Clayton Act, the Robinson-Patman Anti-Discrimination Act, the Federal Trade Commission Act, and any other Federal, State, or local antitrust laws, with regard to any transaction, agreement, or conduct that relates to such programs.

**"SEC. 419. CO-INSURANCE, CO-PAYMENTS, DEDUCTIBLES AND PREMIUMS.**

"(a) EXEMPTION FROM COST-SHARING REQUIREMENTS.—Notwithstanding any other provision of Federal or State law, no Indian who is eligible for services under title XVIII, XIX, or XXI of the Social Security Act, or under any other Federally funded health care programs, may be charged a deductible, co-payment, or co-insurance for any service provided by or through the Service, an Indian tribe or tribal organization or urban Indian organization, nor may the payment or reimbursement due to the Service or an Indian tribe or tribal organization or urban Indian organization be reduced by the amount of the deductible, co-payment, or co-insurance that would be due from the Indian but for the operation of this section. For the purposes of this section, the term 'through' shall include services provided directly, by referral, or under contracts or other arrangements between the Service, an Indian tribe or tribal organization or an urban Indian organization and another health provider.

"(b) EXEMPTION FROM PREMIUMS.—

"(1) MEDICAID AND STATE CHILDREN'S HEALTH INSURANCE PROGRAM.—Notwithstanding any other provision of Federal or State law, no Indian who is otherwise eligible for medical assistance under title XIX of the Social Security Act or child health assistance under title XXI of such Act may be charged a premium as a condition of receiving such assistance under title XIX of XXI of such Act.

"(2) MEDICARE ENROLLMENT PREMIUM PENALTIES.—Notwithstanding section 1839(b) of

the Social Security Act or any other provision of Federal or State law, no Indian who is eligible for benefits under part B of title XVIII of the Social Security Act, but for the payment of premiums, shall be charged a penalty for enrolling in such part at a time later than the Indian might otherwise have been first eligible to do so. The preceding sentence applies whether an Indian pays for premiums under such part directly or such premiums are paid by another person or entity, including a State, the Service, an Indian Tribe or tribal organization, or an urban Indian organization.

**"SEC. 420. INCLUSION OF INCOME AND RESOURCES FOR PURPOSES OF MEDICALLY NEEDED MEDICAID ELIGIBILITY.**

"For the purpose of determining the eligibility under section 1902(a)(10)(A)(ii)(IV) of the Social Security Act of an Indian for medical assistance under a State plan under title XIX of such Act, the cost of providing services to an Indian in a health program of the Service, an Indian Tribe or tribal organization, or an urban Indian organization shall be deemed to have been an expenditure for health care by the Indian.

**"SEC. 421. ESTATE RECOVERY PROVISIONS.**

"Notwithstanding any other provision of Federal or State law, the following property may not be included when determining eligibility for services or implementing estate recovery rights under title XVIII, XIX, or XXI of the Social Security Act, or any other health care programs funded in whole or part with Federal funds:

"(1) Income derived from rents, leases, or royalties of property held in trust for individuals by the Federal Government.

"(2) Income derived from rents, leases, royalties, or natural resources (including timber and fishing activities) resulting from the exercise of Federally protected rights, whether collected by an individual or a tribal group and distributed to individuals.

"(3) Property, including interests in real property currently or formerly held in trust by the Federal Government which is protected under applicable Federal, State or tribal law or custom from recourse, including public domain allotments.

"(4) Property that has unique religious or cultural significance or that supports subsistence or traditional life style according to applicable tribal law or custom.

**"SEC. 422. MEDICAL CHILD SUPPORT.**

"Notwithstanding any other provision of law, a parent shall not be responsible for reimbursing the Federal Government or a State for the cost of medical services provided to a child by or through the Service, an Indian tribe or tribal organization or an urban Indian organization. For the purposes of this subsection, the term 'through' includes services provided directly, by referral, or under contracts or other arrangements between the Service, an Indian Tribe or tribal organization or an urban Indian organization and another health provider.

**"SEC. 423. PROVISIONS RELATING TO MANAGED CARE.**

"(a) RECOVERY FROM MANAGED CARE PLANS.—Notwithstanding any other provision in law, the Service, an Indian Tribe or tribal organization or an urban Indian organization shall have a right of recovery under section 408 from all private and public health plans or programs, including the medicare, medicaid, and State children's health insurance programs under titles XVIII, XIX, and XXI of the Social Security Act, for the reasonable costs of delivering health services to Indians entitled to receive services from the Service, an Indian Tribe or tribal organization or an urban Indian organization.

"(b) LIMITATION.—No provision of law or regulation, or of any contract, may be relied



upon or interpreted to deny or reduce payments otherwise due under subsection (a), except to the extent the Service, an Indian tribe or tribal organization, or an urban Indian organization has entered into an agreement with a managed care entity regarding services to be provided to Indians or rates to be paid for such services, provided that such an agreement may not be made a prerequisite for such payments to be made.

“(c) **PARITY.**—Payments due under subsection (a) from a managed care entity may not be paid at a rate that is less than the rate paid to a ‘preferred provider’ by the entity or, in the event there is no such rate, the usual and customary fee for equivalent services.

“(d) **NO CLAIM REQUIREMENT.**—A managed care entity may not deny payment under subsection (a) because an enrollee with the entity has not submitted a claim.

“(e) **DIRECT BILLING.**—Notwithstanding the preceding subsections of this section, the Service, an Indian tribe or tribal organization, or an urban Indian organization that provides a health service to an Indian entitled to medical assistance under the State plan under title XIX of the Social Security Act or enrolled in a child health plan under title XXI of such Act shall have the right to be paid directly by the State agency administering such plans notwithstanding any agreements the State may have entered into with managed care organizations or providers.

“(f) **REQUIREMENT FOR MEDICAID MANAGED CARE ENTITIES.**—A managed care entity (as defined in section 1932(a)(1)(B) of the Social Security Act shall, as a condition of participation in the State plan under title XIX of such Act, offer a contract to health programs administered by the Service, an Indian tribe or tribal organization or an urban Indian organization that provides health services in the geographic area served by the managed care entity and such contract (or other provider participation agreement) shall contain terms and conditions of participation and payment no more restrictive or onerous than those provided for in this section.

“(g) **PROHIBITION.**—Notwithstanding any other provision of law or any waiver granted by the Secretary no Indian may be assigned automatically or by default under any managed care entity participating in a State plan under title XIX or XXI of the Social Security Act unless the Indian had the option of enrolling in a managed care plan or health program administered by the Service, an Indian tribe or tribal organization, or an urban Indian organization.

“(h) **INDIAN MANAGED CARE PLANS.**—Notwithstanding any other provision of law, any State entering into agreements with one or more managed care organizations to provide services under title XIX or XXI of the Social Security Act shall enter into such an agreement with the Service, an Indian tribe or tribal organization or an urban Indian organization under which such an entity may provide services to Indians who may be eligible or required to enroll with a managed care organization through enrollment in an Indian managed care organization that provides services similar to those offered by other managed care organizations in the State. The Secretary and the State are hereby authorized to waive requirements regarding discrimination, capitalization, and other matters that might otherwise prevent an Indian managed care organization or health program from meeting Federal or State standards applicable to such organizations, provided such Indian managed care organization or health program offers Indian enrollees services of an equivalent quality to that required of other managed care organizations.

“(i) **ADVERTISING.**—A managed care organization entering into a contract to provide services to Indians on or near an Indian reservation shall provide a certificate of coverage or similar type of document that is written in the Indian language of the majority of the Indian population residing on such reservation.

**“SEC. 424. NAVAJO NATION MEDICAID AGENCY.**

“(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary may treat the Navajo Nation as a State under title XIX of the Social Security Act for purposes of providing medical assistance to Indians living within the boundaries of the Navajo Nation.

“(b) **ASSIGNMENT AND PAYMENT.**—Notwithstanding any other provision of law, the Secretary may assign and pay all expenditures related to the provision of services to Indians living within the boundaries of the Navajo Nation under title XIX of the Social Security Act (including administrative expenditures) that are currently paid to or would otherwise be paid to the States of Arizona, New Mexico, and Utah, to an entity established by the Navajo Nation and approved by the Secretary, which shall be denominated the Navajo Nation Medicaid Agency.

“(c) **AUTHORITY.**—The Navajo Nation Medicaid Agency shall serve Indians living within the boundaries of the Navajo Nation and shall have the same authority and perform the same functions as other State agency responsible for the administration of the State plan under title XIX of the Social Security Act.

“(d) **TECHNICAL ASSISTANCE.**—The Secretary may directly assist the Navajo Nation in the development and implementation of a Navajo Nation Medicaid Agency for the administration, eligibility, payment, and delivery of medical assistance under title XIX of the Social Security Act (which shall, for purposes of reimbursement to such Nation, include Western and traditional Navajo healing services) within the Navajo Nation. Such assistance may include providing funds for demonstration projects conducted with such Nation.

“(e) **FMAP.**—Notwithstanding section 1905(b) of the Social Security Act, the Federal medical assistance percentage shall be 100 per cent with respect to amounts the Navajo Nation Medicaid agency expends for medical assistance and related administrative costs.

“(f) **WAIVER AUTHORITY.**—The Secretary shall have the authority to waive applicable provisions of Title XIX of the Social Security Act to establish, develop and implement the Navajo Nation Medicaid Agency.

“(g) **SCHIP.**—At the option of the Navajo Nation, the Secretary may treat the Navajo Nation as a State for purposes of title XXI of the Social Security Act under terms equivalent to those described in the preceding subsections of this section.

**“SEC. 425. INDIAN ADVISORY COMMITTEES.**

“(a) **NATIONAL INDIAN TECHNICAL ADVISORY GROUP.**—The Administrator of the Health Care Financing Administration shall establish and fund the expenses of a National Indian Technical Advisory Group which shall have no fewer than 14 members, including at least 1 member designated by the Indian tribes and tribal organizations in each service area, 1 urban Indian organization representative, and 1 member representing the Service. The scope of the activities of such group shall be established under section 802 provided that such scope shall include providing comment on and advice regarding the programs funded under titles XVIII, XIX, and XXI of the Social Security Act or regarding any other health care program funded (in whole or part) by the Health Care Financing Administration.

“(b) **INDIAN MEDICAID ADVISORY COMMITTEES.**—The Administrator of the Health Care Financing Administration shall establish and provide funding for a Indian Medicaid Advisory Committee made up of designees of the Service, Indian tribes and tribal organizations and urban Indian organizations in each State in which the Service directly operates a health program or in which there is one or more Indian tribe or tribal organization or urban Indian organization.

**“SEC. 426. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2000 through 2012 to carry out this title.”.

**“TITLE V—HEALTH SERVICES FOR URBAN INDIANS**

**“SEC. 501. PURPOSE.**

“The purpose of this title is to establish programs in urban centers to make health services more accessible and available to urban Indians.

**“SEC. 502. CONTRACTS WITH, AND GRANTS TO, URBAN INDIAN ORGANIZATIONS.**

“Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Secretary, through the Service, shall enter into contracts with, or make grants to, urban Indian organizations to assist such organizations in the establishment and administration, within urban centers, of programs which meet the requirements set forth in this title. The Secretary, through the Service, subject to section 506, shall include such conditions as the Secretary considers necessary to effect the purpose of this title in any contract which the Secretary enters into with, or in any grant the Secretary makes to, any urban Indian organization pursuant to this title.

**“SEC. 503. CONTRACTS AND GRANTS FOR THE PROVISION OF HEALTH CARE AND REFERRAL SERVICES.**

“(a) **AUTHORITY.**—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Secretary, acting through the Service, shall enter into contracts with, and make grants to, urban Indian organizations for the provision of health care and referral services for urban Indians. Any such contract or grant shall include requirements that the urban Indian organization successfully undertake to—

“(1) estimate the population of urban Indians residing in the urban center or centers that the organization proposes to serve who are or could be recipients of health care or referral services;

“(2) estimate the current health status of urban Indians residing in such urban center or centers;

“(3) estimate the current health care needs of urban Indians residing in such urban center or centers;

“(4) provide basic health education, including health promotion and disease prevention education, to urban Indians;

“(5) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of urban Indians; and

“(6) where necessary, provide, or enter into contracts for the provision of, health care services for urban Indians.

“(b) **CRITERIA.**—The Secretary, acting through the Service, shall by regulation adopted pursuant to section 520 prescribe the criteria for selecting urban Indian organizations to enter into contracts or receive grants under this section. Such criteria shall, among other factors, include—

“(1) the extent of unmet health care needs of urban Indians in the urban center or centers involved;

"(2) the size of the urban Indian population in the urban center or centers involved;

"(3) the extent, if any, to which the activities set forth in subsection (a) would duplicate any project funded under this title;

"(4) the capability of an urban Indian organization to perform the activities set forth in subsection (a) and to enter into a contract with the Secretary or to meet the requirements for receiving a grant under this section;

"(5) the satisfactory performance and successful completion by an urban Indian organization of other contracts with the Secretary under this title;

"(6) the appropriateness and likely effectiveness of conducting the activities set forth in subsection (a) in an urban center or centers; and

"(7) the extent of existing or likely future participation in the activities set forth in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

"(c) **HEALTH PROMOTION AND DISEASE PREVENTION.**—The Secretary, acting through the Service, shall facilitate access to, or provide, health promotion and disease prevention services for urban Indians through grants made to urban Indian organizations administering contracts entered into pursuant to this section or receiving grants under subsection (a).

"(d) **IMMUNIZATION SERVICES.**—

"(1) **IN GENERAL.**—The Secretary, acting through the Service, shall facilitate access to, or provide, immunization services for urban Indians through grants made to urban Indian organizations administering contracts entered into, or receiving grants, under this section.

"(3) **DEFINITION.**—In this section, the term 'immunization services' means services to provide without charge immunizations against vaccine-preventable diseases.

"(e) **MENTAL HEALTH SERVICES.**—

"(1) **IN GENERAL.**—The Secretary, acting through the Service, shall facilitate access to, or provide, mental health services for urban Indians through grants made to urban Indian organizations administering contracts entered into, or receiving grants, under this section.

"(2) **ASSESSMENT.**—A grant may not be made under this subsection to an urban Indian organization until that organization has prepared, and the Service has approved, an assessment of the mental health needs of the urban Indian population concerned, the mental health services and other related resources available to that population, the barriers to obtaining those services and resources, and the needs that are unmet by such services and resources.

"(3) **USE OF FUNDS.**—Grants may be made under this subsection—

"(A) to prepare assessments required under paragraph (2);

"(B) to provide outreach, educational, and referral services to urban Indians regarding the availability of direct behavioral health services, to educate urban Indians about behavioral health issues and services, and effect coordination with existing behavioral health providers in order to improve services to urban Indians;

"(C) to provide outpatient behavioral health services to urban Indians, including the identification and assessment of illness, therapeutic treatments, case management, support groups, family treatment, and other treatment; and

"(D) to develop innovative behavioral health service delivery models which incorporate Indian cultural support systems and resources.

"(f) **CHILD ABUSE.**—

"(1) **IN GENERAL.**—The Secretary, acting through the Service, shall facilitate access to, or provide, services for urban Indians through grants to urban Indian organizations administering contracts entered into pursuant to this section or receiving grants under subsection (a) to prevent and treat child abuse (including sexual abuse) among urban Indians.

"(2) **ASSESSMENT.**—A grant may not be made under this subsection to an urban Indian organization until that organization has prepared, and the Service has approved, an assessment that documents the prevalence of child abuse in the urban Indian population concerned and specifies the services and programs (which may not duplicate existing services and programs) for which the grant is requested.

"(3) **USE OF FUNDS.**—Grants may be made under this subsection—

"(A) to prepare assessments required under paragraph (2);

"(B) for the development of prevention, training, and education programs for urban Indian populations, including child education, parent education, provider training on identification and intervention, education on reporting requirements, prevention campaigns, and establishing service networks of all those involved in Indian child protection; and

"(C) to provide direct outpatient treatment services (including individual treatment, family treatment, group therapy, and support groups) to urban Indians who are child victims of abuse (including sexual abuse) or adult survivors of child sexual abuse, to the families of such child victims, and to urban Indian perpetrators of child abuse (including sexual abuse).

"(4) **CONSIDERATIONS.**—In making grants to carry out this subsection, the Secretary shall take into consideration—

"(A) the support for the urban Indian organization demonstrated by the child protection authorities in the area, including committees or other services funded under the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.), if any;

"(B) the capability and expertise demonstrated by the urban Indian organization to address the complex problem of child sexual abuse in the community; and

"(C) the assessment required under paragraph (2).

"(g) **MULTIPLE URBAN CENTERS.**—The Secretary, acting through the Service, may enter into a contract with, or make grants to, an urban Indian organization that provides or arranges for the provision of health care services (through satellite facilities, provider networks, or otherwise) to urban Indians in more than one urban center.

#### "SEC. 504. CONTRACTS AND GRANTS FOR THE DETERMINATION OF UNMET HEALTH CARE NEEDS.

"(a) **AUTHORITY.**—

"(1) **IN GENERAL.**—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Secretary, acting through the Service, may enter into contracts with, or make grants to, urban Indian organizations situated in urban centers for which contracts have not been entered into, or grants have not been made, under section 503.

"(2) **PURPOSE.**—The purpose of a contract or grant made under this section shall be the determination of the matters described in subsection (b)(1) in order to assist the Secretary in assessing the health status and health care needs of urban Indians in the urban center involved and determining whether the Secretary should enter into a contract or make a grant under section 503 with respect to the urban Indian organization which the Secretary has entered into a

contract with, or made a grant to, under this section.

"(b) **REQUIREMENTS.**—Any contract entered into, or grant made, by the Secretary under this section shall include requirements that—

"(1) the urban Indian organization successfully undertake to—

"(A) document the health care status and unmet health care needs of urban Indians in the urban center involved; and

"(B) with respect to urban Indians in the urban center involved, determine the matters described in paragraphs (2), (3), (4), and (7) of section 503(b); and

"(2) the urban Indian organization complete performance of the contract, or carry out the requirements of the grant, within 1 year after the date on which the Secretary and such organization enter into such contract, or within 1 year after such organization receives such grant, whichever is applicable.

"(c) **LIMITATION ON RENEWAL.**—The Secretary may not renew any contract entered into, or grant made, under this section.

#### "SEC. 505. EVALUATIONS; RENEWALS.

"(a) **PROCEDURES.**—The Secretary, acting through the Service, shall develop procedures to evaluate compliance with grant requirements under this title and compliance with, and performance of contracts entered into by urban Indian organizations under this title. Such procedures shall include provisions for carrying out the requirements of this section.

"(b) **COMPLIANCE WITH TERMS.**—The Secretary, acting through the Service, shall evaluate the compliance of each urban Indian organization which has entered into a contract or received a grant under section 503 with the terms of such contract of grant. For purposes of an evaluation under this subsection, the Secretary, in determining the capacity of an urban Indian organization to deliver quality patient care shall, at the option of the organization—

"(1) conduct, through the Service, an annual onsite evaluation of the organization; or

"(2) accept, in lieu of an onsite evaluation, evidence of the organization's provisional or full accreditation by a private independent entity recognized by the Secretary for purposes of conducting quality reviews of providers participating in the medicare program under Title XVIII of the Social Security Act.

"(c) **NONCOMPLIANCE.**—

"(1) **IN GENERAL.**—If, as a result of the evaluations conducted under this section, the Secretary determines that an urban Indian organization has not complied with the requirements of a grant or complied with or satisfactorily performed a contract under section 503, the Secretary shall, prior to renewing such contract or grant, attempt to resolve with such organization the areas of noncompliance or unsatisfactory performance and modify such contract or grant to prevent future occurrences of such noncompliance or unsatisfactory performance.

"(2) **NONRENEWAL.**—If the Secretary determines, under an evaluation under this section, that noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew such contract or grant with such organization and is authorized to enter into a contract or make a grant under section 503 with another urban Indian organization which is situated in the same urban center as the urban Indian organization whose contract or grant is not renewed under this section.

"(d) **DETERMINATION OF RENEWAL.**—In determining whether to renew a contract or grant with an urban Indian organization

under section 503 which has completed performance of a contract or grant under section 504, the Secretary shall review the records of the urban Indian organization, the reports submitted under section 507, and, in the case of a renewal of a contract or grant under section 503, shall consider the results of the onsite evaluations or accreditation under subsection (b).

**"SEC. 506. OTHER CONTRACT AND GRANT REQUIREMENTS.**

"(a) APPLICATION OF FEDERAL LAW.—Contracts with urban Indian organizations entered into pursuant to this title shall be in accordance with all Federal contracting laws and regulations relating to procurement except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of the Act of August 24, 1935 (40 U.S.C. 270a, et seq.).

"(b) PAYMENTS.—Payments under any contracts or grants pursuant to this title shall, notwithstanding any term or condition of such contract or grant—

"(1) be made in their entirety by the Secretary to the urban Indian organization by not later than the end of the first 30 days of the funding period with respect to which the payments apply, unless the Secretary determines through an evaluation under section 505 that the organization is not capable of administering such payments in their entirety; and

"(2) if unexpended by the urban Indian organization during the funding period with respect to which the payments initially apply, be carried forward for expenditure with respect to allowable or reimbursable costs incurred by the organization during 1 or more subsequent funding periods without additional justification or documentation by the organization as a condition of carrying forward the expenditure of such funds.

"(c) REVISING OR AMENDING CONTRACT.—Notwithstanding any provision of law to the contrary, the Secretary may, at the request or consent of an urban Indian organization, revise or amend any contract entered into by the Secretary with such organization under this title as necessary to carry out the purposes of this title.

"(d) FAIR AND UNIFORM PROVISION OF SERVICES.—Contracts with, or grants to, urban Indian organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to urban Indians of services and assistance under such contracts or grants by such organizations.

"(e) ELIGIBILITY OF URBAN INDIANS.—Urban Indians, as defined in section 4(f), shall be eligible for health care or referral services provided pursuant to this title.

**"SEC. 507. REPORTS AND RECORDS.**

"(a) REPORT.—For each fiscal year during which an urban Indian organization receives or expends funds pursuant to a contract entered into, or a grant received, pursuant to this title, such organization shall submit to the Secretary, on a basis no more frequent than every 6 months, a report including—

"(1) in the case of a contract or grant under section 503, information gathered pursuant to paragraph (5) of subsection (a) of such section;

"(2) information on activities conducted by the organization pursuant to the contract or grant;

"(3) an accounting of the amounts and purposes for which Federal funds were expended; and

"(4) a minimum set of data, using uniformly defined elements, that is specified by the Secretary, after consultations consistent with section 514, with urban Indian organizations.

"(b) AUDITS.—The reports and records of the urban Indian organization with respect to a contract or grant under this title shall be subject to audit by the Secretary and the Comptroller General of the United States.

"(c) COST OF AUDIT.—The Secretary shall allow as a cost of any contract or grant entered into or awarded under section 502 or 503 the cost of an annual independent financial audit conducted by—

"(1) a certified public accountant; or

"(2) a certified public accounting firm qualified to conduct Federal compliance audits.

**"SEC. 508. LIMITATION ON CONTRACT AUTHORITY.**

"The authority of the Secretary to enter into contracts or to award grants under this title shall be to the extent, and in an amount, provided for in appropriation Acts.

**"SEC. 509. FACILITIES.**

"(a) GRANTS.—The Secretary may make grants to contractors or grant recipients under this title for the lease, purchase, renovation, construction, or expansion of facilities, including leased facilities, in order to assist such contractors or grant recipients in complying with applicable licensure or certification requirements.

"(b) LOANS OR LOAN GUARANTEES.—The Secretary, acting through the Service or through the Health Resources and Services Administration, may provide loans to contractors or grant recipients under this title from the Urban Indian Health Care Facilities Revolving Loan Fund (referred to in this section as the 'URLF') described in subsection (c), or guarantees for loans, for the construction, renovation, expansion, or purchase of health care facilities, subject to the following requirements:

"(1) The principal amount of a loan or loan guarantee may cover 100 percent of the costs (other than staffing) relating to the facility, including planning, design, financing, site land development, construction, rehabilitation, renovation, conversion, medical equipment, furnishings, and capital purchase.

"(2) The total amount of the principal of loans and loan guarantees, respectively, outstanding at any one time shall not exceed such limitations as may be specified in appropriations Acts.

"(3) The loan or loan guarantee may have a term of the shorter of the estimated useful life of the facility, or 25 years.

"(4) An urban Indian organization may assign, and the Secretary may accept assignment of, the revenue of the organization as security for a loan or loan guarantee under this subsection.

"(5) The Secretary shall not collect application, processing, or similar fees from urban Indian organizations applying for loans or loan guarantees under this subsection.

**"(c) URBAN INDIAN HEALTH CARE FACILITIES REVOLVING LOAN FUND.—**

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Urban Indian Health Care Facilities Revolving Loan Fund. The URLF shall consist of—

"(A) such amounts as may be appropriated to the URLF;

"(B) amounts received from urban Indian organizations in repayment of loans made to such organizations under paragraph (2); and

"(C) interest earned on amounts in the URLF under paragraph (3).

"(2) USE OF URLF.—Amounts in the URLF may be expended by the Secretary, acting through the Service or the Health Resources and Services Administration, to make loans available to urban Indian organizations receiving grants or contracts under this title for the purposes, and subject to the require-

ments, described in subsection (b). Amounts appropriated to the URLF, amounts received from urban Indian organizations in repayment of loans, and interest on amounts in the URLF shall remain available until expended.

"(3) INVESTMENTS.—The Secretary of the Treasury shall invest such amounts of the URLF as such Secretary determines are not required to meet current withdrawals from the URLF. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price. Any obligation acquired by the URLF may be sold by the Secretary of the Treasury at the market price.

**"SEC. 510. OFFICE OF URBAN INDIAN HEALTH.**

"There is hereby established within the Service an Office of Urban Indian Health which shall be responsible for—

"(1) carrying out the provisions of this title;

"(2) providing central oversight of the programs and services authorized under this title; and

"(3) providing technical assistance to urban Indian organizations.

**"SEC. 511. GRANTS FOR ALCOHOL AND SUBSTANCE ABUSE RELATED SERVICES.**

"(a) GRANTS.—The Secretary may make grants for the provision of health-related services in prevention of, treatment of, rehabilitation of, or school and community-based education in, alcohol and substance abuse in urban centers to those urban Indian organizations with whom the Secretary has entered into a contract under this title or under section 201.

"(b) GOALS OF GRANT.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished pursuant to the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

"(c) CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a), including criteria relating to the—

"(1) size of the urban Indian population;

"(2) capability of the organization to adequately perform the activities required under the grant;

"(3) satisfactory performance standards for the organization in meeting the goals set forth in such grant, which standards shall be negotiated and agreed to between the Secretary and the grantee on a grant-by-grant basis; and

"(4) identification of need for services. The Secretary shall develop a methodology for allocating grants made pursuant to this section based on such criteria.

"(d) TREATMENT OF FUNDS RECEIVED BY URBAN INDIAN ORGANIZATIONS.—Any funds received by an urban Indian organization under this Act for substance abuse prevention, treatment, and rehabilitation shall be subject to the criteria set forth in subsection (c).

**"SEC. 512. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.**

"(a) OKLAHOMA CITY CLINIC.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Oklahoma City Clinic demonstration project shall be treated as a service unit in the allocation of resources and coordination of care and shall not be subject to the provisions of the Indian Self-Determination and Education Assistance Act for the term of such projects. The Secretary shall provide assistance to such projects in the development of resources and equipment and facility needs.

"(2) REPORT.—The Secretary shall submit to the President, for inclusion in the report

required to be submitted to the Congress under section 801 for fiscal year 1999, a report on the findings and conclusions derived from the demonstration project specified in paragraph (1).

“(b) **TULSA CLINIC.**—Notwithstanding any other provision of law, the Tulsa Clinic demonstration project shall become a permanent program within the Service’s direct care program and continue to be treated as a service unit in the allocation of resources and coordination of care, and shall continue to meet the requirements and definitions of an urban Indian organization in this title, and as such will not be subject to the provisions of the Indian Self-Determination and Education Assistance Act.

**“SEC. 513. URBAN NIAAA TRANSFERRED PROGRAMS.**

“(a) **GRANTS AND CONTRACTS.**—The Secretary, acting through the Office of Urban Indian Health of the Service, shall make grants or enter into contracts, effective not later than September 30, 2001, with urban Indian organizations for the administration of urban Indian alcohol programs that were originally established under the National Institute on Alcoholism and Alcohol Abuse (referred to in this section to as ‘NIAAA’) and transferred to the Service.

“(b) **USE OF FUNDS.**—Grants provided or contracts entered into under this section shall be used to provide support for the continuation of alcohol prevention and treatment services for urban Indian populations and such other objectives as are agreed upon between the Service and a recipient of a grant or contract under this section.

“(c) **ELIGIBILITY.**—Urban Indian organizations that operate Indian alcohol programs originally funded under NIAAA and subsequently transferred to the Service are eligible for grants or contracts under this section.

“(d) **EVALUATION AND REPORT.**—The Secretary shall evaluate and report to the Congress on the activities of programs funded under this section at least every 5 years.

**“SEC. 514. CONSULTATION WITH URBAN INDIAN ORGANIZATIONS.**

“(a) **IN GENERAL.**—The Secretary shall ensure that the Service, the Health Care Financing Administration, and other operating divisions and staff divisions of the Department consult, to the maximum extent practicable, with urban Indian organizations (as defined in section 4) prior to taking any action, or approving Federal financial assistance for any action of a State, that may affect urban Indians or urban Indian organizations.

“(b) **REQUIREMENT.**—In subsection (a), the term ‘consultation’ means the open and free exchange of information and opinion among urban Indian organizations and the operating and staff divisions of the Department which leads to mutual understanding and comprehension and which emphasizes trust, respect, and shared responsibility.

**“SEC. 515. FEDERAL TORT CLAIMS ACT COVERAGE.**

“For purposes of section 224 of the Public Health Service Act (42 U.S.C. 233), with respect to claims by any person, initially filed on or after October 1, 1999, whether or not such person is an Indian or Alaska Native or is served on a fee basis or under other circumstances as permitted by Federal law or regulations, for personal injury (including death) resulting from the performance prior to, including, or after October 1, 1999, of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations, or for purposes of section 2679 of title 28, United States Code, with respect to claims by any such person, on or after October 1, 1999, for personal injury (including

death) resulting from the operation of an emergency motor vehicle, an urban Indian organization that has entered into a contract or received a grant pursuant to this title is deemed to be part of the Public Health Service while carrying out any such contract or grant and its employees (including those acting on behalf of the organization as provided for in section 2671 of title 28, United States Code, and including an individual who provides health care services pursuant to a personal services contract with an urban Indian organization for the provision of services in any facility owned, operated, or constructed under the jurisdiction of the Indian Health Service) are deemed employees of the Service while acting within the scope of their employment in carrying out the contract or grant, except that such employees shall be deemed to be acting within the scope of their employment in carrying out the contract or grant when they are required, by reason of their employment, to perform medical, surgical, dental or related functions at a facility other than a facility operated by the urban Indian organization pursuant to such contract or grant, but only if such employees are not compensated for the performance of such functions by a person or entity other than the urban Indian organization.

**“SEC. 516. URBAN YOUTH TREATMENT CENTER DEMONSTRATION.**

“(a) **CONSTRUCTION AND OPERATION.**—The Secretary, acting through the Service, shall, through grants or contracts, make payment for the construction and operation of at least 2 residential treatment centers in each State described in subsection (b) to demonstrate the provision of alcohol and substance abuse treatment services to urban Indian youth in a culturally competent residential setting.

“(b) **STATES.**—A State described in this subsection is a State in which—

“(1) there reside urban Indian youth with a need for alcohol and substance abuse treatment services in a residential setting; and

“(2) there is a significant shortage of culturally competent residential treatment services for urban Indian youth.

**“SEC. 517. USE OF FEDERAL GOVERNMENT FACILITIES AND SOURCES OF SUPPLY.**

“(a) **IN GENERAL.**—The Secretary shall permit an urban Indian organization that has entered into a contract or received a grant pursuant to this title, in carrying out such contract or grant, to use existing facilities and all equipment therein or pertaining thereto and other personal property owned by the Federal Government within the Secretary’s jurisdiction under such terms and conditions as may be agreed upon for their use and maintenance.

“(b) **DONATION OF PROPERTY.**—Subject to subsection (d), the Secretary may donate to an urban Indian organization that has entered into a contract or received a grant pursuant to this title any personal or real property determined to be excess to the needs of the Service or the General Services Administration for purposes of carrying out the contract or grant.

“(c) **ACQUISITION OF PROPERTY.**—The Secretary may acquire excess or surplus government personal or real property for donation, subject to subsection (d), to an urban Indian organization that has entered into a contract or received a grant pursuant to this title if the Secretary determines that the property is appropriate for use by the urban Indian organization for a purpose for which a contract or grant is authorized under this title.

“(d) **PRIORITY.**—In the event that the Secretary receives a request for a specific item of personal or real property described in subsections (b) or (c) from an urban Indian orga-

nization and from an Indian tribe or tribal organization, the Secretary shall give priority to the request for donation to the Indian tribe or tribal organization if the Secretary receives the request from the Indian tribe or tribal organization before the date on which the Secretary transfers title to the property or, if earlier, the date on which the Secretary transfers the property physically, to the urban Indian organization.

“(e) **RELATION TO FEDERAL SOURCES OF SUPPLY.**—For purposes of section 201(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)) (relating to Federal sources of supply, including lodging providers, airlines, and other transportation providers), an urban Indian organization that has entered into a contract or received a grant pursuant to this title shall be deemed an executive agency when carrying out such contract or grant, and the employees of the urban Indian organization shall be eligible to have access to such sources of supply on the same basis as employees of an executive agency have such access.

**“SEC. 518. GRANTS FOR DIABETES PREVENTION, TREATMENT AND CONTROL.**

“(a) **AUTHORITY.**—The Secretary may make grants to those urban Indian organizations that have entered into a contract or have received a grant under this title for the provision of services for the prevention, treatment, and control of the complications resulting from, diabetes among urban Indians.

“(b) **GOALS.**—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished under the grant. The goals shall be specific to each grant as agreed upon between the Secretary and the grantee.

“(c) **CRITERIA.**—The Secretary shall establish criteria for the awarding of grants made under subsection (a) relating to—

“(1) the size and location of the urban Indian population to be served;

“(2) the need for the prevention of, treatment of, and control of the complications resulting from diabetes among the urban Indian population to be served;

“(3) performance standards for the urban Indian organization in meeting the goals set forth in such grant that are negotiated and agreed to by the Secretary and the grantee;

“(4) the capability of the urban Indian organization to adequately perform the activities required under the grant; and

“(5) the willingness of the urban Indian organization to collaborate with the registry, if any, established by the Secretary under section 204(e) in the area office of the Service in which the organization is located.

“(d) **APPLICATION OF CRITERIA.**—Any funds received by an urban Indian organization under this Act for the prevention, treatment, and control of diabetes among urban Indians shall be subject to the criteria developed by the Secretary under subsection (c).

**“SEC. 519. COMMUNITY HEALTH REPRESENTATIVES.**

“The Secretary, acting through the Service, may enter into contracts with, and make grants to, urban Indian organizations for the use of Indians trained as health service providers through the Community Health Representatives Program under section 107(b) in the provision of health care, health promotion, and disease prevention services to urban Indians.

**“SEC. 520. REGULATIONS.**

“(a) **EFFECT OF TITLE.**—This title shall be effective on the date of enactment of this Act regardless of whether the Secretary has promulgated regulations implementing this title.

“(b) **PROMULGATION.**—

“(1) **IN GENERAL.**—The Secretary may promulgate regulations to implement the provisions of this title.

"(2) PUBLICATION.—Proposed regulations to implement this title shall be published by the Secretary in the Federal Register not later than 270 days after the date of enactment of this Act and shall have a comment period of not less than 120 days.

"(3) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under this title shall expire on the date that is 18 months after the date of enactment of this Act.

"(c) NEGOTIATED RULEMAKING COMMITTEE.—A negotiated rulemaking committee shall be established pursuant to section 565 of Title 5, United States Code, to carry out this section and shall, in addition to Federal representatives, have as the majority of its members representatives of urban Indian organizations from each service area.

"(d) ADAPTION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of this Act.

#### "SEC. 521. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.

### "TITLE VI—ORGANIZATIONAL IMPROVEMENTS

#### "SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United States to provide health care services to Indians and Indian tribes, as are or may be hereafter provided by Federal statute or treaties, there is established within the Public Health Service of the Department the Indian Health Service.

"(2) ASSISTANT SECRETARY OF INDIAN HEALTH.—The Service shall be administered by an Assistance Secretary of Indian Health, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall report to the Secretary. Effective with respect to an individual appointed by the President, by and with the advice and consent of the Senate, after January 1, 1993, the term of service of the Assistant Secretary shall be 4 years. An Assistant Secretary may serve more than 1 term.

"(b) AGENCY.—The Service shall be an agency within the Public Health Service of the Department, and shall not be an office, component, or unit of any other agency of the Department.

"(c) FUNCTIONS AND DUTIES.—The Secretary shall carry out through the Assistant Secretary of the Service—

"(1) all functions which were, on the day before the date of enactment of the Indian Health Care Amendments of 1988, carried out by or under the direction of the individual serving as Director of the Service on such day;

"(2) all functions of the Secretary relating to the maintenance and operation of hospital and health facilities for Indians and the planning for, and provision and utilization of, health services for Indians;

"(3) all health programs under which health care is provided to Indians based upon their status as Indians which are administered by the Secretary, including programs under—

"(A) this Act;

"(B) the Act of November 2, 1921 (25 U.S.C. 13);

"(C) the Act of August 5, 1954 (42 U.S.C. 2001, et seq.);

"(D) the Act of August 16, 1957 (42 U.S.C. 2005 et seq.); and

"(E) the Indian Self-Determination Act (25 U.S.C. 450f, et seq.); and

"(4) all scholarship and loan functions carried out under title I.

"(d) AUTHORITY.—

"(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary, shall have the authority—

"(A) except to the extent provided for in paragraph (2), to appoint and compensate employees for the Service in accordance with title 5, United States Code;

"(B) to enter into contracts for the procurement of goods and services to carry out the functions of the Service; and

"(C) to manage, expend, and obligate all funds appropriated for the Service.

"(2) PERSONNEL ACTIONS.—Notwithstanding any other provision of law, the provisions of section 12 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 472), shall apply to all personnel actions taken with respect to new positions created within the Service as a result of its establishment under subsection (a).

#### "SEC. 602. AUTOMATED MANAGEMENT INFORMATION SYSTEM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, in consultation with tribes, tribal organizations, and urban Indian organizations, shall establish an automated management information system for the Service.

"(2) REQUIREMENTS OF SYSTEM.—The information system established under paragraph (1) shall include—

"(A) a financial management system;

"(B) a patient care information system;

"(C) a privacy component that protects the privacy of patient information;

"(D) a services-based cost accounting component that provides estimates of the costs associated with the provision of specific medical treatments or services in each area office of the Service;

"(E) an interface mechanism for patient billing and accounts receivable system; and

"(F) a training component.

"(b) PROVISION OF SYSTEMS TO TRIBES AND ORGANIZATIONS.—The Secretary shall provide each Indian tribe and tribal organization that provides health services under a contract entered into with the Service under the Indian Self-Determination Act automated management information systems which—

"(1) meet the management information needs of such Indian tribe or tribal organization with respect to the treatment by the Indian tribe or tribal organization of patients of the Service; and

"(2) meet the management information needs of the Service.

"(c) ACCESS TO RECORDS.—Notwithstanding any other provision of law, each patient shall have reasonable access to the medical or health records of such patient which are held by, or on behalf of, the Service.

"(d) AUTHORITY TO ENHANCE INFORMATION TECHNOLOGY.—The Secretary, acting through the Assistant Secretary, shall have the authority to enter into contracts, agreements or joint ventures with other Federal agencies, States, private and nonprofit organizations, for the purpose of enhancing information technology in Indian health programs and facilities.

#### "SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.

### "TITLE VII—BEHAVIORAL HEALTH PROGRAMS

#### "SEC. 701. BEHAVIORAL HEALTH PREVENTION AND TREATMENT SERVICES.

"(a) PURPOSES.—It is the purpose of this section to—

"(1) authorize and direct the Secretary, acting through the Service, Indian tribes,

tribal organizations, and urban Indian organizations to develop a comprehensive behavioral health prevention and treatment program which emphasizes collaboration among alcohol and substance abuse, social services, and mental health programs;

"(2) provide information, direction and guidance relating to mental illness and dysfunction and self-destructive behavior, including child abuse and family violence, to those Federal, tribal, State and local agencies responsible for programs in Indian communities in areas of health care, education, social services, child and family welfare, alcohol and substance abuse, law enforcement and judicial services;

"(3) assist Indian tribes to identify services and resources available to address mental illness and dysfunctional and self-destructive behavior;

"(4) provide authority and opportunities for Indian tribes to develop and implement, and coordinate with, community-based programs which include identification, prevention, education, referral, and treatment services, including through multi-disciplinary resource teams;

"(5) ensure that Indians, as citizens of the United States and of the States in which they reside, have the same access to behavioral health services to which all citizens have access; and

"(6) modify or supplement existing programs and authorities in the areas identified in paragraph (2).

"(b) BEHAVIORAL HEALTH PLANNING.—

"(1) AREA-WIDE PLANS.—The Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations, shall encourage Indian tribes and tribal organizations to develop tribal plans, encourage urban Indian organizations to develop local plans, and encourage all such groups to participate in developing area-wide plans for Indian Behavioral Health Services. The plans shall, to the extent feasible, include—

"(A) an assessment of the scope of the problem of alcohol or other substance abuse, mental illness, dysfunctional and self-destructive behavior, including suicide, child abuse and family violence, among Indians, including—

"(i) the number of Indians served who are directly or indirectly affected by such illness or behavior; and

"(ii) an estimate of the financial and human cost attributable to such illness or behavior;

"(B) an assessment of the existing and additional resources necessary for the prevention and treatment of such illness and behavior, including an assessment of the progress toward achieving the availability of the full continuum of care described in subsection (c); and

"(C) an estimate of the additional funding needed by the Service, Indian tribes, tribal organizations and urban Indian organizations to meet their responsibilities under the plans.

"(2) NATIONAL CLEARINGHOUSE.—The Secretary shall establish a national clearinghouse of plans and reports on the outcomes of such plans developed under this section by Indian tribes, tribal organizations and by areas relating to behavioral health. The Secretary shall ensure access to such plans and outcomes by any Indian tribe, tribal organization, urban Indian organization or the Service.

"(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Indian tribes, tribal organizations, and urban Indian organizations in preparation of plans under this section and in developing standards of care that may be utilized and adopted locally.

"(c) CONTINUUM OF CARE.—The Secretary, acting through the Service, Indian tribes and tribal organizations, shall provide, to the extent feasible and to the extent that funding is available, for the implementation of programs including—

"(1) a comprehensive continuum of behavioral health care that provides for—

"(A) community based prevention, intervention, outpatient and behavioral health aftercare;

"(B) detoxification (social and medical);

"(C) acute hospitalization;

"(D) intensive outpatient or day treatment;

"(E) residential treatment;

"(F) transitional living for those needing a temporary stable living environment that is supportive of treatment or recovery goals;

"(G) emergency shelter;

"(H) intensive case management; and

"(I) traditional health care practices; and

"(2) behavioral health services for particular populations, including—

"(A) for persons from birth through age 17, child behavioral health services, that include—

"(i) pre-school and school age fetal alcohol disorder services, including assessment and behavioral intervention);

"(ii) mental health or substance abuse services (emotional, organic, alcohol, drug, inhalant and tobacco);

"(iii) services for co-occurring disorders (multiple diagnosis);

"(iv) prevention services that are focused on individuals ages 5 years through 10 years (alcohol, drug, inhalant and tobacco);

"(v) early intervention, treatment and aftercare services that are focused on individuals ages 11 years through 17 years;

"(vi) healthy choices or life style services (related to STD's, domestic violence, sexual abuse, suicide, teen pregnancy, obesity, and other risk or safety issues);

"(vii) co-morbidity services;

"(B) for persons ages 18 years through 55 years, adult behavioral health services that include—

"(i) early intervention, treatment and aftercare services;

"(ii) mental health and substance abuse services (emotional, alcohol, drug, inhalant and tobacco);

"(iii) services for co-occurring disorders (dual diagnosis) and co-morbidity;

"(iv) healthy choices and life style services (related to parenting, partners, domestic violence, sexual abuse, suicide, obesity, and other risk related behavior);

"(v) female specific treatment services for—

"(I) women at risk of giving birth to a child with a fetal alcohol disorder;

"(II) substance abuse requiring gender specific services;

"(III) sexual assault and domestic violence; and

"(IV) healthy choices and life style (parenting, partners, obesity, suicide and other related behavioral risk); and

"(vi) male specific treatment services for—

"(I) substance abuse requiring gender specific services;

"(II) sexual assault and domestic violence; and

"(III) healthy choices and life style (parenting, partners, obesity, suicide and other risk related behavior);

"(C) family behavioral health services, including—

"(i) early intervention, treatment and aftercare for affected families;

"(ii) treatment for sexual assault and domestic violence; and

"(iii) healthy choices and life style (related to parenting, partners, domestic violence and other abuse issues);

"(D) for persons age 56 years and older, elder behavioral health services including—

"(i) early intervention, treatment and aftercare services that include—

"(I) mental health and substance abuse services (emotional, alcohol, drug, inhalant and tobacco);

"(II) services for co-occurring disorders (dual diagnosis) and co-morbidity; and

"(III) healthy choices and life style services (managing conditions related to aging);

"(ii) elder women specific services that include—

"(I) treatment for substance abuse requiring gender specific services and

"(II) treatment for sexual assault, domestic violence and neglect;

"(iii) elder men specific services that include—

"(I) treatment for substance abuse requiring gender specific services; and

"(II) treatment for sexual assault, domestic violence and neglect; and

"(iv) services for dementia regardless of cause.

"(d) COMMUNITY BEHAVIORAL HEALTH PLAN.—

"(1) IN GENERAL.—The governing body of any Indian tribe or tribal organization or urban Indian organization may, at its discretion, adopt a resolution for the establishment of a community behavioral health plan providing for the identification and coordination of available resources and programs to identify, prevent, or treat alcohol and other substance abuse, mental illness or dysfunctional and self-destructive behavior, including child abuse and family violence, among its members or its service population. Such plan should include behavioral health services, social services, intensive outpatient services, and continuing after care.

"(2) TECHNICAL ASSISTANCE.—In furtherance of a plan established pursuant to paragraph (1) and at the request of a tribe, the appropriate agency, service unit, or other officials of the Bureau of Indian Affairs and the Service shall cooperate with, and provide technical assistance to, the Indian tribe or tribal organization in the development of a plan under paragraph (1). Upon the establishment of such a plan and at the request of the Indian tribe or tribal organization, such officials shall cooperate with the Indian tribe or tribal organization in the implementation of such plan.

"(3) FUNDING.—The Secretary, acting through the Service, may make funding available to Indian tribes and tribal organizations adopting a resolution pursuant to paragraph (1) to obtain technical assistance for the development of a community behavioral health plan and to provide administrative support in the implementation of such plan.

"(e) COORDINATED PLANNING.—The Secretary, acting through the Service, Indian tribes, tribal organizations, and urban Indian organizations shall coordinate behavioral health planning, to the extent feasible, with other Federal and State agencies, to ensure that comprehensive behavioral health services are available to Indians without regard to their place of residence.

"(f) FACILITIES ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Service, shall make an assessment of the need for inpatient mental health care among Indians and the availability and cost of inpatient mental health facilities which can meet such need. In making such assessment, the Secretary shall consider the possible conversion of existing, under-utilized service hospital beds into psychiatric units to meet such need.

#### "SEC. 702. MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF THE INTERIOR.

"(a) IN GENERAL.—Not later than 1 year days after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall develop and enter into a memorandum of agreement, or review and update any existing memoranda of agreement as required under section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411), and under which the Secretaries address—

"(1) the scope and nature of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence, among Indians;

"(2) the existing Federal, tribal, State, local, and private services, resources, and programs available to provide mental health services for Indians;

"(3) the unmet need for additional services, resources, and programs necessary to meet the needs identified pursuant to paragraph (1);

"(4)(A) the right of Indians, as citizens of the United States and of the States in which they reside, to have access to mental health services to which all citizens have access;

"(B) the right of Indians to participate in, and receive the benefit of, such services; and

"(C) the actions necessary to protect the exercise of such right;

"(5) the responsibilities of the Bureau of Indian Affairs and the Service, including mental health identification, prevention, education, referral, and treatment services (including services through multidisciplinary resource teams), at the central, area, and agency and service unit levels to address the problems identified in paragraph (1);

"(6) a strategy for the comprehensive coordination of the mental health services provided by the Bureau of Indian Affairs and the Service to meet the needs identified pursuant to paragraph (1), including—

"(A) the coordination of alcohol and substance abuse programs of the Service, the Bureau of Indian Affairs, and the various Indian tribes (developed under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986) with the mental health initiatives pursuant to this Act, particularly with respect to the referral and treatment of dually-diagnosed individuals requiring mental health and substance abuse treatment; and

"(B) ensuring that Bureau of Indian Affairs and Service programs and services (including multidisciplinary resource teams) addressing child abuse and family violence are coordinated with such non-Federal programs and services;

"(7) direct appropriate officials of the Bureau of Indian Affairs and the Service, particularly at the agency and service unit levels, to cooperate fully with tribal requests made pursuant to community behavioral health plans adopted under section 701(c) and section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412); and

"(8) provide for an annual review of such agreement by the 2 Secretaries and a report which shall be submitted to Congress and made available to the Indian tribes.

"(b) SPECIFIC PROVISIONS.—The memorandum of agreement updated or entered into pursuant to subsection (a) shall include specific provisions pursuant to which the Service shall assume responsibility for—

"(1) the determination of the scope of the problem of alcohol and substance abuse among Indian people, including the number of Indians within the jurisdiction of the Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost;

"(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse and the treatment of Indians affected by alcohol and substance abuse; and

"(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.

"(c) CONSULTATION.—The Secretary and the Secretary of the Interior shall, in developing the memorandum of agreement under subsection (a), consult with and solicit the comments of—

"(1) Indian tribes and tribal organizations;

"(2) Indian individuals;

"(3) urban Indian organizations and other Indian organizations;

"(4) behavioral health service providers.

"(d) PUBLICATION.—The memorandum of agreement under subsection (a) shall be published in the Federal Register. At the same time as the publication of such agreement in the Federal Register, the Secretary shall provide a copy of such memorandum to each Indian tribe, tribal organization, and urban Indian organization.

**"SEC. 703. COMPREHENSIVE BEHAVIORAL HEALTH PREVENTION AND TREATMENT PROGRAM.**

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, acting through the Service, Indian tribes and tribal organizations consistent with section 701, shall provide a program of comprehensive behavioral health prevention and treatment and aftercare, including traditional health care practices, which shall include—

"(A) prevention, through educational intervention, in Indian communities;

"(B) acute detoxification or psychiatric hospitalization and treatment (residential and intensive outpatient);

"(C) community-based rehabilitation and aftercare;

"(D) community education and involvement, including extensive training of health care, educational, and community-based personnel; and

"(E) specialized residential treatment programs for high risk populations including pregnant and post partum women and their children.

"(2) TARGET POPULATIONS.—The target population of the program under paragraph (1) shall be members of Indian tribes. Efforts to train and educate key members of the Indian community shall target employees of health, education, judicial, law enforcement, legal, and social service programs.

"(b) CONTRACT HEALTH SERVICES.—

"(1) IN GENERAL.—The Secretary, acting through the Service (with the consent of the Indian tribe to be served), Indian tribes and tribal organizations, may enter into contracts with public or private providers of behavioral health treatment services for the purpose of carrying out the program required under subsection (a).

"(2) PROVISION OF ASSISTANCE.—In carrying out this subsection, the Secretary shall provide assistance to Indian tribes and tribal organizations to develop criteria for the certification of behavioral health service providers and accreditation of service facilities which meet minimum standards for such services and facilities.

**"SEC. 704. MENTAL HEALTH TECHNICIAN PROGRAM.**

"(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act), the Secretary shall establish and maintain a Mental Health Technician program within the Service which—

"(1) provides for the training of Indians as mental health technicians; and

"(2) employs such technicians in the provision of community-based mental health care that includes identification, prevention, education, referral, and treatment services.

"(b) TRAINING.—In carrying out subsection (a)(1), the Secretary shall provide high standard paraprofessional training in mental health care necessary to provide quality care to the Indian communities to be served. Such training shall be based upon a curriculum developed or approved by the Secretary which combines education in the theory of mental health care with supervised practical experience in the provision of such care.

"(c) SUPERVISION AND EVALUATION.—The Secretary shall supervise and evaluate the mental health technicians in the training program under this section.

"(d) TRADITIONAL CARE.—The Secretary shall ensure that the program established pursuant to this section involves the utilization and promotion of the traditional Indian health care and treatment practices of the Indian tribes to be served.

**"SEC. 705. LICENSING REQUIREMENT FOR MENTAL HEALTH CARE WORKERS.**

"Subject to section 220, any person employed as a psychologist, social worker, or marriage and family therapist for the purpose of providing mental health care services to Indians in a clinical setting under the authority of this Act or through a funding agreement pursuant to the Indian Self-Determination and Education Assistance Act shall—

"(1) in the case of a person employed as a psychologist to provide health care services, be licensed as a clinical or counseling psychologist, or working under the direct supervision of a clinical or counseling psychologist;

"(2) in the case of a person employed as a social worker, be licensed as a social worker or working under the direct supervision of a licensed social worker; or

"(3) in the case of a person employed as a marriage and family therapist, be licensed as a marriage and family therapist or working under the direct supervision of a licensed marriage and family therapist.

**"SEC. 706. INDIAN WOMEN TREATMENT PROGRAMS.**

"(a) FUNDING.—The Secretary, consistent with section 701, shall make funding available to Indian tribes, tribal organizations and urban Indian organization to develop and implement a comprehensive behavioral health program of prevention, intervention, treatment, and relapse prevention services that specifically addresses the spiritual, cultural, historical, social, and child care needs of Indian women, regardless of age.

"(b) USE OF FUNDS.—Funding provided pursuant to this section may be used to—

"(1) develop and provide community training, education, and prevention programs for Indian women relating to behavioral health issues, including fetal alcohol disorders;

"(2) identify and provide psychological services, counseling, advocacy, support, and relapse prevention to Indian women and their families; and

"(3) develop prevention and intervention models for Indian women which incorporate traditional health care practices, cultural values, and community and family involvement.

"(c) CRITERIA.—The Secretary, in consultation with Indian tribes and tribal organizations, shall establish criteria for the review and approval of applications and proposals for funding under this section.

"(d) EARMARK OF CERTAIN FUNDS.—Twenty percent of the amounts appropriated to carry out this section shall be used to make grants to urban Indian organizations funded under title V.

**"SEC. 707. INDIAN YOUTH PROGRAM.**

"(a) DETOXIFICATION AND REHABILITATION.—The Secretary shall, consistent with section 701, develop and implement a program for acute detoxification and treatment for Indian youth that includes behavioral health services. The program shall include regional treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis and programs developed and implemented by Indian tribes or tribal organizations at the local level under the Indian Self-Determination and Education Assistance Act. Regional centers shall be integrated with the intake and rehabilitation programs based in the referring Indian community.

"(b) ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTERS OR FACILITIES.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Secretary, acting through the Service, Indian tribes, or tribal organizations, shall construct, renovate, or, as necessary, purchase, and appropriately staff and operate, at least 1 youth regional treatment center or treatment network in each area under the jurisdiction of an area office.

"(B) AREA OFFICE IN CALIFORNIA.—For purposes of this subsection, the area office in California shall be considered to be 2 area offices, 1 office whose jurisdiction shall be considered to encompass the northern area of the State of California, and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California for the purpose of implementing California treatment networks.

"(2) FUNDING.—For the purpose of staffing and operating centers or facilities under this subsection, funding shall be made available pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act).

"(3) LOCATION.—A youth treatment center constructed or purchased under this subsection shall be constructed or purchased at a location within the area described in paragraph (1) that is agreed upon (by appropriate tribal resolution) by a majority of the tribes to be served by such center.

"(4) SPECIFIC PROVISION OF FUNDS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary may, from amounts authorized to be appropriated for the purposes of carrying out this section, make funds available to—

"(i) the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating and maintaining a residential youth treatment facility in Fairbanks, Alaska;

"(ii) the Southeast Alaska Regional Health Corporation to staff and operate a residential youth treatment facility without regard to the proviso set forth in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l));

"(iii) the Southern Indian Health Council, for the purpose of staffing, operating, and maintaining a residential youth treatment facility in San Diego County, California; and

"(iv) the Navajo Nation, for the staffing, operation, and maintenance of the Four Corners Regional Adolescent Treatment Center, a residential youth treatment facility in New Mexico.

"(B) PROVISION OF SERVICES TO ELIGIBLE YOUTH.—Until additional residential youth treatment facilities are established in Alaska pursuant to this section, the facilities specified in subparagraph (A) shall make every effort to provide services to all eligible Indian youth residing in such State.

"(c) INTERMEDIATE ADOLESCENT BEHAVIORAL HEALTH SERVICES.—

"(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes and tribal



organizations, may provide intermediate behavioral health services, which may incorporate traditional health care practices, to Indian children and adolescents, including—

“(A) pre-treatment assistance;  
“(B) inpatient, outpatient, and after-care services;

“(C) emergency care;  
“(D) suicide prevention and crisis intervention; and

“(E) prevention and treatment of mental illness, and dysfunctional and self-destructive behavior, including child abuse and family violence.

“(2) USE OF FUNDS.—Funds provided under this subsection may be used—

“(A) to construct or renovate an existing health facility to provide intermediate behavioral health services;

“(B) to hire behavioral health professionals;

“(C) to staff, operate, and maintain an intermediate mental health facility, group home, sober housing, transitional housing or similar facilities, or youth shelter where intermediate behavioral health services are being provided; and

“(D) to make renovations and hire appropriate staff to convert existing hospital beds into adolescent psychiatric units; and

“(E) intensive home and community based services.

“(3) CRITERIA.—The Secretary shall, in consultation with Indian tribes and tribal organizations, establish criteria for the review and approval of applications or proposals for funding made available pursuant to this subsection.

“(d) FEDERALLY OWNED STRUCTURES.—

“(1) IN GENERAL.—The Secretary, acting through the Service, shall, in consultation with Indian tribes and tribal organizations—

“(A) identify and use, where appropriate, federally owned structures suitable for local residential or regional behavioral health treatment for Indian youth; and

“(B) establish guidelines, in consultation with Indian tribes and tribal organizations, for determining the suitability of any such Federally owned structure to be used for local residential or regional behavioral health treatment for Indian youth.

“(2) TERMS AND CONDITIONS FOR USE OF STRUCTURE.—Any structure described in paragraph (1) may be used under such terms and conditions as may be agreed upon by the Secretary and the agency having responsibility for the structure and any Indian tribe or tribal organization operating the program.

“(e) REHABILITATION AND AFTERCARE SERVICES.—

“(1) IN GENERAL.—The Secretary, an Indian tribe or tribal organization, in cooperation with the Secretary of the Interior, shall develop and implement within each service unit, community-based rehabilitation and follow-up services for Indian youth who have significant behavioral health problems, and require long-term treatment, community reintegration, and monitoring to support the Indian youth after their return to their home community.

“(2) ADMINISTRATION.—Services under paragraph (1) shall be administered within each service unit or tribal program by trained staff within the community who can assist the Indian youth in continuing development of self-image, positive problem-solving skills, and nonalcohol or substance abusing behaviors. Such staff may include alcohol and substance abuse counselors, mental health professionals, and other health professionals and paraprofessionals, including community health representatives.

“(f) INCLUSION OF FAMILY IN YOUTH TREATMENT PROGRAM.—In providing the treatment and other services to Indian youth author-

ized by this section, the Secretary, an Indian tribe or tribal organization shall provide for the inclusion of family members of such youth in the treatment programs or other services as may be appropriate. Not less than 10 percent of the funds appropriated for the purposes of carrying out subsection (e) shall be used for outpatient care of adult family members related to the treatment of an Indian youth under that subsection.

“(g) MULTIDRUG ABUSE PROGRAM.—The Secretary, acting through the Service, Indian tribes, tribal organizations and urban Indian organizations, shall provide, consistent with section 701, programs and services to prevent and treat the abuse of multiple forms of substances, including alcohol, drugs, inhalants, and tobacco, among Indian youth residing in Indian communities, on Indian reservations, and in urban areas and provide appropriate mental health services to address the incidence of mental illness among such youth.

**“SEC. 708. INPATIENT AND COMMUNITY-BASED MENTAL HEALTH FACILITIES DESIGN, CONSTRUCTION AND STAFFING ASSESSMENT.—**

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Service, Indian tribes and tribal organizations, shall provide, in each area of the Service, not less than 1 inpatient mental health care facility, or the equivalent, for Indians with behavioral health problems.

“(b) TREATMENT OF CALIFORNIA.—For purposes of this section, California shall be considered to be 2 areas of the Service, 1 area whose location shall be considered to encompass the northern area of the State of California and 1 area whose jurisdiction shall be considered to encompass the remainder of the State of California.

“(c) CONVERSION OF CERTAIN HOSPITAL BEDS.—The Secretary shall consider the possible conversion of existing, under-utilized Service hospital beds into psychiatric units to meet needs under this section.—

**“SEC. 709. TRAINING AND COMMUNITY EDUCATION.**

“(a) COMMUNITY EDUCATION.—

“(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement, or provide funding to enable Indian tribes and tribal organization to develop and implement, within each service unit or tribal program a program of community education and involvement which shall be designed to provide concise and timely information to the community leadership of each tribal community.

“(2) EDUCATION.—A program under paragraph (1) shall include education concerning behavioral health for political leaders, tribal judges, law enforcement personnel, members of tribal health and education boards, and other critical members of each tribal community.

“(3) TRAINING.—Community-based training (oriented toward local capacity development) under a program under paragraph (1) shall include tribal community provider training (designed for adult learners from the communities receiving services for prevention, intervention, treatment and aftercare).

“(b) TRAINING.—The Secretary shall, either directly or through Indian tribes or tribal organization, provide instruction in the area of behavioral health issues, including instruction in crisis intervention and family relations in the context of alcohol and substance abuse, child sexual abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol disorders, to appropriate employees of the Bureau of Indian Affairs and the Service, and to personnel in schools or programs operated under any contract with

the Bureau of Indian Affairs or the Service, including supervisors of emergency shelters and halfway houses described in section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433).

“(c) COMMUNITY-BASED TRAINING MODELS.—In carrying out the education and training programs required by this section, the Secretary, acting through the Service and in consultation with Indian tribes, tribal organizations, Indian behavioral health experts, and Indian alcohol and substance abuse prevention experts, shall develop and provide community-based training models. Such models shall address—

“(1) the elevated risk of alcohol and behavioral health problems faced by children of alcoholics;

“(2) the cultural, spiritual, and multigenerational aspects of behavioral health problem prevention and recovery; and

“(3) community-based and multidisciplinary strategies for preventing and treating behavioral health problems.

**“SEC. 710. BEHAVIORAL HEALTH PROGRAM.**

“(a) PROGRAMS FOR INNOVATIVE SERVICES.—The Secretary, acting through the Service, Indian Tribes or tribal organizations, consistent with Section 701, may develop, implement, and carry out programs to deliver innovative community-based behavioral health services to Indians.

“(b) CRITERIA.—The Secretary may award funding for a project under subsection (a) to an Indian tribe or tribal organization and may consider the following criteria:

“(1) Whether the project will address significant unmet behavioral health needs among Indians.

“(2) Whether the project will serve a significant number of Indians.

“(3) Whether the project has the potential to deliver services in an efficient and effective manner.

“(4) Whether the tribe or tribal organization has the administrative and financial capability to administer the project.

“(5) Whether the project will deliver services in a manner consistent with traditional health care.

“(6) Whether the project is coordinated with, and avoids duplication of, existing services.

“(c) FUNDING AGREEMENTS.—For purposes of this subsection, the Secretary shall, in evaluating applications or proposals for funding for projects to be operated under any funding agreement entered into with the Service under the Indian Self-Determination Act and Education Assistance Act, use the same criteria that the Secretary uses in evaluating any other application or proposal for such funding.

**“SEC. 711. FETAL ALCOHOL DISORDER FUNDING.**

“(a) ESTABLISHMENT OF PROGRAM.—

“(1) IN GENERAL.—The Secretary, consistent with Section 701, acting through Indian tribes, tribal organizations, and urban Indian organizations, shall establish and operate fetal alcohol disorders programs as provided for in this section for the purposes of meeting the health status objective specified in section 3(b).

“(2) USE OF FUNDS.—Funding provided pursuant to this section shall be used to—

“(A) develop and provide community and in-school training, education, and prevention programs relating to fetal alcohol disorders;

“(B) identify and provide behavioral health treatment to high-risk women;

“(C) identify and provide appropriate educational and vocational support, counseling, advocacy, and information to fetal alcohol disorder affected persons and their families or caretakers;

“(D) develop and implement counseling and support programs in schools for fetal alcohol disorder affected children;

“(E) develop prevention and intervention models which incorporate traditional practitioners, cultural and spiritual values and community involvement;

“(F) develop, print, and disseminate education and prevention materials on fetal alcohol disorders;

“(G) develop and implement, through the tribal consultation process, culturally sensitive assessment and diagnostic tools including dysmorphology clinics and multidisciplinary fetal alcohol disorder clinics for use in tribal and urban Indian communities;

“(H) develop early childhood intervention projects from birth on to mitigate the effects of fetal alcohol disorders; and

“(I) develop and fund community-based adult fetal alcohol disorder housing and support services.

“(3) CRITERIA.—The Secretary shall establish criteria for the review and approval of applications for funding under this section.

“(b) PROVISION OF SERVICES.—The Secretary, acting through the Service, Indian tribes, tribal organizations and urban Indian organizations, shall—

“(1) develop and provide services for the prevention, intervention, treatment, and aftercare for those affected by fetal alcohol disorders in Indian communities; and

“(2) provide supportive services, directly or through an Indian tribe, tribal organization or urban Indian organization, including services to meet the special educational, vocational, school-to-work transition, and independent living needs of adolescent and adult Indians with fetal alcohol disorders.

“(c) TASK FORCE.—

“(1) IN GENERAL.—The Secretary shall establish a task force to be known as the Fetal Alcohol Disorders Task Force to advise the Secretary in carrying out subsection (b).

“(2) COMPOSITION.—The task force under paragraph (1) shall be composed of representatives from the National Institute on Drug Abuse, the National Institute on Alcohol and Alcoholism, the Office of Substance Abuse Prevention, the National Institute of Mental Health, the Service, the Office of Minority Health of the Department of Health and Human Services, the Administration for Native Americans, the National Institute of Child Health & Human Development, the Centers for Disease Control and Prevention, the Bureau of Indian Affairs, Indian tribes, tribal organizations, urban Indian communities, and Indian fetal alcohol disorders experts.

“(d) APPLIED RESEARCH.—The Secretary, acting through the Substance Abuse and Mental Health Services Administration, shall make funding available to Indian Tribes, tribal organizations and urban Indian organizations for applied research projects which propose to elevate the understanding of methods to prevent, intervene, treat, or provide rehabilitation and behavioral health aftercare for Indians and urban Indians affected by fetal alcohol disorders.

“(e) URBAN INDIAN ORGANIZATIONS.—The Secretary shall ensure that 10 percent of the amounts appropriated to carry out this section shall be used to make grants to urban Indian organizations funded under title V.

#### “SEC. 712. CHILD SEXUAL ABUSE AND PREVENTION TREATMENT PROGRAMS.

“(a) ESTABLISHMENT.—The Secretary and the Secretary of the Interior, acting through the Service, Indian tribes and tribal organizations, shall establish, consistent with section 701, in each service area, programs involving treatment for—

“(1) victims of child sexual abuse; and

“(2) perpetrators of child sexual abuse.

“(b) USE OF FUNDS.—Funds provided under this section shall be used to—

“(1) develop and provide community education and prevention programs related to child sexual abuse;

“(2) identify and provide behavioral health treatment to children who are victims of sexual abuse and to their families who are affected by sexual abuse;

“(3) develop prevention and intervention models which incorporate traditional health care practitioners, cultural and spiritual values, and community involvement;

“(4) develop and implement, through the tribal consultation process, culturally sensitive assessment and diagnostic tools for use in tribal and urban Indian communities.

“(5) identify and provide behavioral health treatment to perpetrators of child sexual abuse with efforts being made to begin offender and behavioral health treatment while the perpetrator is incarcerated or at the earliest possible date if the perpetrator is not incarcerated, and to provide treatment after release to the community until it is determined that the perpetrator is not a threat to children.

#### “SEC. 713. BEHAVIORAL MENTAL HEALTH RESEARCH.

“(a) IN GENERAL.—The Secretary, acting through the Service and in consultation with appropriate Federal agencies, shall provide funding to Indian Tribes, tribal organizations and urban Indian organizations or, enter into contracts with, or make grants to appropriate institutions, for the conduct of research on the incidence and prevalence of behavioral health problems among Indians served by the Service, Indian Tribes or tribal organizations and among Indians in urban areas. Research priorities under this section shall include—

“(1) the interrelationship and interdependence of behavioral health problems with alcoholism and other substance abuse, suicide, homicides, other injuries, and the incidence of family violence; and

“(2) the development of models of prevention techniques.

“(b) SPECIAL EMPHASIS.—The effect of the inter-relationships and interdependencies referred to in subsection (a)(1) on children, and the development of prevention techniques under subsection (a)(2) applicable to children, shall be emphasized.

#### “SEC. 714. DEFINITIONS.

“In this title:

“(1) ASSESSMENT.—The term ‘assessment’ means the systematic collection, analysis and dissemination of information on health status, health needs and health problems.

“(2) ALCOHOL RELATED NEURODEVELOPMENTAL DISORDERS.—The term ‘alcohol related neurodevelopmental disorders’ or ‘ARND’ with respect to an individual means the individual has a history of maternal alcohol consumption during pregnancy, central nervous system involvement such as developmental delay, intellectual deficit, or neurologic abnormalities, that behaviorally, there may be problems with irritability, and failure to thrive as infants, and that as children become older there will likely be hyperactivity, attention deficit, language dysfunction and perceptual and judgment problems.

“(3) BEHAVIORAL HEALTH.—The term ‘behavioral health’ means the blending of substances (alcohol, drugs, inhalants and tobacco) abuse and mental health prevention and treatment, for the purpose of providing comprehensive services. Such term includes the joint development of substance abuse and mental health treatment planning and coordinated case management using a multidisciplinary approach.

“(4) BEHAVIORAL HEALTH AFTERCARE.—

“(A) IN GENERAL.—The term ‘behavioral health aftercare’ includes those activities

and resources used to support recovery following inpatient, residential, intensive substance abuse or mental health outpatient or outpatient treatment, to help prevent or treat relapse, including the development of an aftercare plan.

“(B) AFTERCARE PLAN.—Prior to the time at which an individual is discharged from a level of care, such as outpatient treatment, an aftercare plan shall have been developed for the individual. Such plan may use such resources as community base therapeutic group care, transitional living, a 12-step sponsor, a local 12-step or other related support group, or other community based providers (such as mental health professionals, traditional health care practitioners, community health aides, community health representatives, mental health technicians, or ministers).

“(5) DUAL DIAGNOSIS.—The term ‘dual diagnosis’ means coexisting substance abuse and mental illness conditions or diagnosis. In individual with a dual diagnosis may be referred to as a mentally ill chemical abuser.—

“(6) FETAL ALCOHOL DISORDERS.—The term ‘fetal alcohol disorders’ means fetal alcohol syndrome, partial fetal alcohol syndrome, or alcohol related neural developmental disorder.

“(7) FETAL ALCOHOL SYNDROME.—The term ‘fetal alcohol syndrome’ or ‘FAS’ with respect to an individual means a syndrome in which the individual has a history of maternal alcohol consumption during pregnancy, and with respect to which the following criteria should be met:

“(A) Central nervous system involvement such as developmental delay, intellectual deficit, microcephaly, or neurologic abnormalities.

“(B) Craniofacial abnormalities with at least 2 of the following: microphthalmia, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, and short upturned nose.

“(C) Prenatal or postnatal growth delay.

“(8) PARTIAL FAS.—The term ‘partial FAS’ with respect to an individual means a history of maternal alcohol consumption during pregnancy having most of the criteria of FAS, though not meeting a minimum of at least 2 of the following: micro-ophthalmia, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, short upturned nose.

“(9) REHABILITATION.—The term ‘rehabilitation’ means to restore the ability or capacity to engage in usual and customary life activities through education and therapy.—

“(10) SUBSTANCE ABUSE.—The term ‘substance abuse’ includes inhalant abuse.—

#### “SEC. 715. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.

#### “TITLE VIII—MISCELLANEOUS

##### “SEC. 801. REPORTS.

“The President shall, at the time the budget is submitted under section 1105 of title 31, United States Code, for each fiscal year transmit to the Congress a report containing—

“(1) a report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act and an assessment and recommendations of additional programs or additional assistance necessary to, at a minimum, provide health services to Indians, and ensure a health status for Indians, which are at a parity with the health services available to and the health status of, the general population, including specific comparisons of appropriations provided and those required for such parity;

"(2) a report on whether, and to what extent, new national health care programs, benefits, initiatives, or financing systems have had an impact on the purposes of this Act and any steps that the Secretary may have taken to consult with Indian tribes to address such impact, including a report on proposed changes in the allocation of funding pursuant to section 808;

"(3) a report on the use of health services by Indians—

"(A) on a national and area or other relevant geographical basis;

"(B) by gender and age;

"(C) by source of payment and type of service;

"(D) comparing such rates of use with rates of use among comparable non-Indian populations; and

"(E) on the services provided under funding agreements pursuant to the Indian Self-Determination and Education Assistance Act;

"(4) a report of contractors concerning health care educational loan repayments under section 110;

"(5) a general audit report on the health care educational loan repayment program as required under section 110(n);

"(6) a separate statement that specifies the amount of funds requested to carry out the provisions of section 201;

"(7) a report on infectious diseases as required under section 212;

"(8) a report on environmental and nuclear health hazards as required under section 214;

"(9) a report on the status of all health care facilities needs as required under sections 301(c)(2) and 301(d);

"(10) a report on safe water and sanitary waste disposal facilities as required under section 302(h)(1);

"(11) a report on the expenditure of non-service funds for renovation as required under sections 305(a)(2) and 305(a)(3);

"(12) a report identifying the backlog of maintenance and repair required at Service and tribal facilities as required under section 314(a);

"(13) a report providing an accounting of reimbursement funds made available to the Secretary under titles XVIII and XIX of the Social Security Act as required under section 403(a);

"(14) a report on services sharing of the Service, the Department of Veteran's Affairs, and other Federal agency health programs as required under section 412(c)(2);

"(15) a report on the evaluation and renewal of urban Indian programs as required under section 505;

"(16) a report on the findings and conclusions derived from the demonstration project as required under section 512(a)(2);

"(17) a report on the evaluation of programs as required under section 513; and

"(18) a report on alcohol and substance abuse as required under section 701(f).

#### **"SEC. 802. REGULATIONS.**

"(a) INITIATION OF RULEMAKING PROCEDURES.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations or amendments thereto that are necessary to carry out this Act.

"(2) PUBLICATION.—Proposed regulations to implement this Act shall be published in the Federal Register by the Secretary not later than 270 days after the date of enactment of this Act and shall have not less than a 120 day comment period.

"(3) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under this Act shall expire 18 months from the date of enactment of this Act.

"(b) RULEMAKING COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of Title 5, United States Code, to carry out this section shall have as its members only representatives of the Federal Government and representatives of Indian tribes, and tribal organizations, a majority of whom shall be nominated by and be representatives of Indian tribes, tribal organizations, and urban Indian organizations from each service area.

"(c) ADAPTION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes.

"(d) FAILURE TO PROMULGATE REGULATIONS.—The lack of promulgated regulations shall not limit the effect of this Act.

"(e) SUPREMACY OF PROVISIONS.—The provisions of this Act shall supersede any conflicting provisions of law (including any conflicting regulations) in effect on the day before the date of enactment of the Indian Self-Determination Contract Reform Act of 1994, and the Secretary is authorized to repeal any regulation that is inconsistent with the provisions of this Act.

#### **"SEC. 803. PLAN OF IMPLEMENTATION.**

"Not later than 240 days after the date of enactment of this Act, the Secretary, in consultation with Indian tribes, tribal organizations, and urban Indian organizations, shall prepare and submit to Congress a plan that shall explain the manner and schedule (including a schedule of appropriate requests), by title and section, by which the Secretary will implement the provisions of this Act.

#### **"SEC. 804. AVAILABILITY OF FUNDS.**

"Amounts appropriated under this Act shall remain available until expended.

#### **"SEC. 805. LIMITATION ON USE OF FUNDS APPROPRIATED TO THE INDIAN HEALTH SERVICE.**

"Any limitation on the use of funds contained in an Act providing appropriations for the Department for a period with respect to the performance of abortions shall apply for that period with respect to the performance of abortions using funds contained in an Act providing appropriations for the Service.

#### **"SEC. 806. ELIGIBILITY OF CALIFORNIA INDIANS.**

"(a) ELIGIBILITY.—

"(1) IN GENERAL.—Until such time as any subsequent law may otherwise provide, the following California Indians shall be eligible for health services provided by the Service:

"(A) Any member of a Federally recognized Indian tribe.

"(B) Any descendant of an Indian who was residing in California on June 1, 1852, but only if such descendant—

"(A) is a member of the Indian community served by a local program of the Service; and

"(B) is regarded as an Indian by the community in which such descendant lives.

"(3) Any Indian who holds trust interests in public domain, national forest, or Indian reservation allotments in California.

"(4) Any Indian in California who is listed on the plans for distribution of the assets of California rancherias and reservations under the Act of August 18, 1958 (72 Stat. 619), and any descendant of such an Indian.

"(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed as expanding the eligibility of California Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

#### **"SEC. 807. HEALTH SERVICES FOR INELIGIBLE PERSONS.**

"(a) INELIGIBLE PERSONS.—

"(1) IN GENERAL.—Any individual who—

"(A) has not attained 19 years of age;

"(B) is the natural or adopted child, step-child, foster-child, legal ward, or orphan of an eligible Indian; and

"(C) is not otherwise eligible for the health services provided by the Service, shall be eligible for all health services provided by the Service on the same basis and subject to the same rules that apply to eligible Indians until such individual attains 19 years of age. The existing and potential health needs of all such individuals shall be taken into consideration by the Service in determining the need for, or the allocation of, the health resources of the Service. If such an individual has been determined to be legally incompetent prior to attaining 19 years of age, such individual shall remain eligible for such services until one year after the date such disability has been removed.

"(2) SPOUSES.—Any spouse of an eligible Indian who is not an Indian, or who is of Indian descent but not otherwise eligible for the health services provided by the Service, shall be eligible for such health services if all of such spouses or spouses who are married to members of the Indian tribe being served are made eligible, as a class, by an appropriate resolution of the governing body of the Indian tribe or tribal organization providing such services. The health needs of persons made eligible under this paragraph shall not be taken into consideration by the Service in determining the need for, or allocation of, its health resources.

"(b) PROGRAMS AND SERVICES.—

"(1) PROGRAMS.—

"(A) IN GENERAL.—The Secretary may provide health services under this subsection through health programs operated directly by the Service to individuals who reside within the service area of a service unit and who are not eligible for such health services under any other subsection of this section or under any other provision of law if—

"(i) the Indian tribe (or, in the case of a multi-tribal service area, all the Indian tribes) served by such service unit requests such provision of health services to such individuals; and

"(ii) the Secretary and the Indian tribe or tribes have jointly determined that—

"(I) the provision of such health services will not result in a denial or diminution of health services to eligible Indians; and

"(II) there is no reasonable alternative health program or services, within or without the service area of such service unit, available to meet the health needs of such individuals.

"(B) FUNDING AGREEMENTS.—In the case of health programs operated under a funding agreement entered into under the Indian Self-Determination and Educational Assistance Act, the governing body of the Indian tribe or tribal organization providing health services under such funding agreement is authorized to determine whether health services should be provided under such funding agreement to individuals who are not eligible for such health services under any other subsection of this section or under any other provision of law. In making such determinations, the governing body of the Indian tribe or tribal organization shall take into account the considerations described in subparagraph (A)(ii).

"(2) LIABILITY FOR PAYMENT.—

"(A) IN GENERAL.—Persons receiving health services provided by the Service by reason of this subsection shall be liable for payment of such health services under a schedule of charges prescribed by the Secretary which, in the judgment of the Secretary, results in reimbursement in an amount not less than the actual cost of providing the health services. Notwithstanding section 1880(c) of the Social Security Act, section 402(a) of this Act, or any other provision of law, amounts collected under this subsection, including medicare or medicaid reimbursements under titles XVIII and XIX of the Social Security

Act, shall be credited to the account of the program providing the service and shall be used solely for the provision of health services within that program. Amounts collected under this subsection shall be available for expenditure within such program for not to exceed 1 fiscal year after the fiscal year in which collected.

“(B) SERVICES FOR INDIGENT PERSONS.—Health services may be provided by the Secretary through the Service under this subsection to an indigent person who would not be eligible for such health services but for the provisions of paragraph (1) only if an agreement has been entered into with a State or local government under which the State or local government agrees to reimburse the Service for the expenses incurred by the Service in providing such health services to such indigent person.

“(3) SERVICE AREAS.—

“(A) SERVICE TO ONLY ONE TRIBE.—In the case of a service area which serves only one Indian tribe, the authority of the Secretary to provide health services under paragraph (1)(A) shall terminate at the end of the fiscal year succeeding the fiscal year in which the governing body of the Indian tribe revokes its concurrence to the provision of such health services.

“(B) MULTI-TRIBAL AREAS.—In the case of a multi-tribal service area, the authority of the Secretary to provide health services under paragraph (1)(A) shall terminate at the end of the fiscal year succeeding the fiscal year in which at least 51 percent of the number of Indian tribes in the service area revoke their concurrence to the provision of such health services.

“(c) PURPOSE FOR PROVIDING SERVICES.—The Service may provide health services under this subsection to individuals who are not eligible for health services provided by the Service under any other subsection of this section or under any other provision of law in order to—

“(1) achieve stability in a medical emergency;

“(2) prevent the spread of a communicable disease or otherwise deal with a public health hazard;

“(3) provide care to non-Indian women pregnant with an eligible Indian's child for the duration of the pregnancy through post partum; or

“(4) provide care to immediate family members of an eligible person if such care is directly related to the treatment of the eligible person.

“(d) HOSPITAL PRIVILEGES.—Hospital privileges in health facilities operated and maintained by the Service or operated under a contract entered into under the Indian Self-Determination Education Assistance Act may be extended to non-Service health care practitioners who provide services to persons described in subsection (a) or (b). Such non-Service health care practitioners may be regarded as employees of the Federal Government for purposes of section 1346(b) and chapter 171 of title 28, United States Code (relating to Federal tort claims) only with respect to acts or omissions which occur in the course of providing services to eligible persons as a part of the conditions under which such hospital privileges are extended.

“(e) DEFINITION.—In this section, the term ‘eligible Indian’ means any Indian who is eligible for health services provided by the Service without regard to the provisions of this section.

“SEC. 808. REALLOCATION OF BASE RESOURCES.

“(a) REQUIREMENT OF REPORT.—Notwithstanding any other provision of law, any allocation of Service funds for a fiscal year that reduces by 5 percent or more from the previous fiscal year the funding for any re-

curring program, project, or activity of a service unit may be implemented only after the Secretary has submitted to the President, for inclusion in the report required to be transmitted to the Congress under section 801, a report on the proposed change in allocation of funding, including the reasons for the change and its likely effects.

“(b) NONAPPLICATION OF SECTION.—Subsection (a) shall not apply if the total amount appropriated to the Service for a fiscal year is less than the amount appropriated to the Service for previous fiscal year.

“SEC. 809. RESULTS OF DEMONSTRATION PROJECTS.

“The Secretary shall provide for the dissemination to Indian tribes of the findings and results of demonstration projects conducted under this Act.

“SEC. 810. PROVISION OF SERVICES IN MONTANA.

“(a) IN GENERAL.—The Secretary, acting through the Service, shall provide services and benefits for Indians in Montana in a manner consistent with the decision of the United States Court of Appeals for the Ninth Circuit in *McNabb for McNabb v. Bowen*, 829 F.2d 787 (9th Cr. 1987).

“(b) RULE OF CONSTRUCTION.—The provisions of subsection (a) shall not be construed to be an expression of the sense of the Congress on the application of the decision described in subsection (a) with respect to the provision of services or benefits for Indians living in any State other than Montana.

“SEC. 811. MORATORIUM.

“During the period of the moratorium imposed by Public Law 100-446 on implementation of the final rule published in the Federal Register on September 16, 1987, by the Health Resources and Services Administration, relating to eligibility for the health care services of the Service, the Service shall provide services pursuant to the criteria for eligibility for such services that were in effect on September 15, 1987, subject to the provisions of sections 806 and 807 until such time as new criteria governing eligibility for services are developed in accordance with section 802.

“SEC. 812. TRIBAL EMPLOYMENT.

“For purposes of section 2(2) of the Act of July 5, 1935 (49 Stat. 450, Chapter 372), an Indian tribe or tribal organization carrying out a funding agreement under the Self-Determination and Education Assistance Act shall not be considered an employer.

“SEC. 813. PRIME VENDOR.

“For purposes of section 4 of Public Law 102-585 (38 U.S.C. 812) Indian tribes and tribal organizations carrying out a grant, cooperative agreement, or funding agreement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et. seq.) shall be deemed to be an executive agency and part of the Service in the and, as such, may act as an ordering agent of the Service and the employees of the tribe or tribal organization may order supplies on behalf thereof on the same basis as employees of the Service.

“SEC. 814. NATIONAL BI-PARTISAN COMMISSION ON INDIAN HEALTH CARE ENTITLEMENT.

“(a) ESTABLISHMENT.—There is hereby established the National Bi-Partisan Indian Health Care Entitlement Commission (referred to in this Act as the ‘Commission’).

“(b) MEMBERSHIP.—The Commission shall be composed of 25 members, to be appointed as follows:

“(1) Ten members of Congress, of which—

“(A) three members shall be from the House of Representatives and shall be appointed by the majority leader;

“(B) three members shall be from the House of Representatives and shall be appointed by the minority leader;

“(C) two members shall be from the Senate and shall be appointed by the majority leader; and

“(D) two members shall be from the Senate and shall be appointed by the minority leader;

who shall each be members of the committees of Congress that consider legislation affecting the provision of health care to Indians and who shall elect the chairperson and vice-chairperson of the Commission.

“(2) Twelve individuals to be appointed by the members of the Commission appointed under paragraph (1), of which at least 1 shall be from each service area as currently designated by the Director of the Service, to be chosen from among 3 nominees from each such area as selected by the Indian tribes within the area, with due regard being given to the experience and expertise of the nominees in the provision of health care to Indians and with due regard being given to a reasonable representation on the Commission of members who are familiar with various health care delivery modes and who represent tribes of various size populations.

“(3) Three individuals shall be appointed by the Director of the Service from among individual who are knowledgeable about the provision of health care to Indians, at least 1 of whom shall be appointed from among 3 nominees from each program that is funded in whole or in part by the Service primarily or exclusively for the benefit of urban Indians.

All those persons appointed under paragraphs (2) and (3) shall be members of Federally recognized Indian Tribes.

“(c) TERMS.—

“(1) IN GENERAL.—Members of the Commission shall serve for the life of the Commission.

“(2) APPOINTMENT OF MEMBERS.—Members of the Commission shall be appointed under subsection (b)(1) not later than 90 days after the date of enactment of this Act, and the remaining members of the Commission shall be appointed not later than 60 days after the date on which the members are appointed under such subsection.

“(3) VACANCY.—A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

“(d) DUTIES OF THE COMMISSION.—The Commission shall carry out the following duties and functions:

“(1) Review and analyze the recommendations of the report of the study committee established under paragraph (3) to the Commission.

“(2) Make recommendations to Congress for providing health services for Indian persons as an entitlement, giving due regard to the effects of such a programs on existing health care delivery systems for Indian persons and the effect of such programs on the sovereign status of Indian Tribes;

“(3) Establish a study committee to be composed of those members of the Commission appointed by the Director of the Service and at least 4 additional members of Congress from among the members of the Commission which shall—

“(A) to the extent necessary to carry out its duties, collect and compile data necessary to understand the extent of Indian needs with regard to the provision of health services, regardless of the location of Indians, including holding hearings and soliciting the views of Indians, Indian tribes, tribal organizations and urban Indian organizations, and which may include authorizing and funding feasibility studies of various models for providing and funding health services for all Indian beneficiaries including those who live outside of a reservation, temporarily or permanently;

“(B) make recommendations to the Commission for legislation that will provide for the delivery of health services for Indians as an entitlement, which shall, at a minimum, address issues of eligibility, benefits to be provided, including recommendations regarding from whom such health services are to be provided, and the cost, including mechanisms for funding of the health services to be provided;

“(C) determine the effect of the enactment of such recommendations on the existing system of the delivery of health services for Indians;

“(D) determine the effect of a health services entitlement program for Indian persons on the sovereign status of Indian tribes;

“(E) not later than 12 months after the appointment of all members of the Commission, make a written report of its findings and recommendations to the Commission, which report shall include a statement of the minority and majority position of the committee and which shall be disseminated, at a minimum, to each Federally recognized Indian tribe, tribal organization and urban Indian organization for comment to the Commission; and

“(F) report regularly to the full Commission regarding the findings and recommendations developed by the committee in the course of carrying out its duties under this section.

“(4) Not later than 18 months after the date of appointment of all members of the Commission, submit a written report to Congress containing a recommendation of policies and legislation to implement a policy that would establish a health care system for Indians based on the delivery of health services as an entitlement, together with a determination of the implications of such an entitlement system on existing health care delivery systems for Indians and on the sovereign status of Indian tribes.

“(e) ADMINISTRATIVE PROVISIONS.—

“(1) COMPENSATION AND EXPENSES.—

“(A) CONGRESSIONAL MEMBERS.—Each member of the Commission appointed under subsection (b)(1) shall receive no additional pay, allowances, or benefits by reason of their service on the Commission and shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

“(B) OTHER MEMBERS.—The members of the Commission appointed under paragraphs (2) and (3) of subsection (b), while serving on the business of the Commission (including travel time) shall be entitled to receive compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the member's regular place of business, be allowed travel expenses, as authorized by the chairperson of the Commission. For purposes of pay (other than pay of members of the Commission) and employment benefits, rights, and privileges, all personnel of the Commission shall be treated as if they were employees of the United States Senate.

“(2) MEETINGS AND QUORUM.—

“(A) MEETINGS.—The Commission shall meet at the call of the chairperson.

“(B) QUORUM.—A quorum of the Commission shall consist of not less than 15 members, of which not less than 6 of such members shall be appointees under subsection (b)(1) and not less than 9 of such members shall be Indians.

“(3) DIRECTOR AND STAFF.—

“(A) EXECUTIVE DIRECTOR.—The members of the Commission shall appoint an executive director of the Commission. The executive director shall be paid the rate of basic

pay equal to that for level V of the Executive Schedule.

“(B) STAFF.—With the approval of the Commission, the executive director may appoint such personnel as the executive director deems appropriate.

“(C) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

“(D) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the executive director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

“(E) FACILITIES.—The Administrator of the General Services Administration shall locate suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

“(f) POWERS.—

“(1) HEARINGS AND OTHER ACTIVITIES.—For the purpose of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties, except that at least 6 regional hearings shall be held in different areas of the United States in which large numbers of Indians are present. Such hearings shall be held to solicit the views of Indians regarding the delivery of health care services to them. To constitute a hearing under this paragraph, at least 5 members of the Commission, including at least 1 member of Congress, must be present. Hearings held by the study committee established under this section may be counted towards the number of regional hearings required by this paragraph.

“(2) STUDIES BY GAO.—Upon request of the Commission, the Comptroller General shall conduct such studies or investigations as the Commission determines to be necessary to carry out its duties.

“(3) COST ESTIMATES.—

“(A) IN GENERAL.—The Director of the Congressional Budget Office or the Chief Actuary of the Health Care Financing Administration, or both, shall provide to the Commission, upon the request of the Commission, such cost estimates as the Commission determines to be necessary to carry out its duties.

“(B) REIMBURSEMENTS.—The Commission shall reimburse the Director of the Congressional Budget Office for expenses relating to the employment in the office of the Director of such additional staff as may be necessary for the Director to comply with requests by the Commission under subparagraph (A).

“(4) DETAIL OF FEDERAL EMPLOYEES.—Upon the request of the Commission, the head of any federal Agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the federal employee.

“(5) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal Agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

“(6) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as Federal Agencies and shall, for purposes of the frank, be considered a commission of

Congress as described in section 3215 of title 39, United States Code.

“(7) OBTAINING INFORMATION.—The Commission may secure directly from the any Federal Agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 4, United States Code. Upon request of the chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

“(8) SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

“(9) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$4,000,000 to carry out this section. The amount appropriated under this subsection shall not be deducted from or affect any other appropriation for health care for Indian persons.

“SEC. 815. APPROPRIATIONS; AVAILABILITY.

“Any new spending authority (described in subsection (c)(2)(A) or (B) of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

“SEC. 816. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2012 to carry out this title.”

## TITLE II—CONFORMING AMENDMENTS TO THE SOCIAL SECURITY ACT

### Subtitle A—Medicare

#### SEC. 201. LIMITATIONS ON CHARGES.

Section 1866(a)(1) of the Social Security Act (42 U.S.C. 1395cc(a)(1)) is amended—

(1) in subparagraph (R), by adding a semicolon at the end;

(2) in subparagraph (S), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(T) in the case of hospitals and critical access hospitals which provide inpatient hospital services for which payment may be made under this title, to accept as payment in full for services that are covered under and furnished to an individual eligible for the contract health services program operated by the Indian Health Service, by an Indian tribe or tribal organization, or furnished to an urban Indian eligible for health services purchased by an urban Indian organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act), in accordance with such admission practices and such payment methodology and amounts as are prescribed under regulations issued by the Secretary.”

#### SEC. 202. INDIAN HEALTH PROGRAMS.

Section 1880 of the Social Security Act (42 U.S.C. 1395qq) is amended to read as follows:

##### “INDIAN HEALTH PROGRAMS

“SEC. 1880. (a) ELIGIBILITY FOR PAYMENTS.—The Indian Health Service (referred to in this section as the ‘Service’) and an Indian tribe or tribal organization, or an urban Indian organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act), shall be eligible for payments under this title, notwithstanding sections 1814(c) and 1835(d), if and for so long as the Service, Indian tribe or tribal organization, or urban Indian organization meets the

conditions and requirements for such payments which are applicable generally to the service or provider type for which the Service, Indian tribe or tribal organization, or urban Indian organization seeks payment under this title and for services and provider types provided by a qualified Indian health program under section 1880A.

“(b) PERIOD FOR BILLING.—Notwithstanding subsection (a), if the Service, an Indian tribe or tribal organization, or urban Indian organization, does not meet all of the conditions and requirements of this title which are applicable generally to the service or provider type for which payment is sought, but submits to the Secretary within 6 months after the date on which such reimbursement is first sought an acceptable plan for achieving compliance with such conditions and requirements, the Service, an Indian tribe or tribal organization, or urban Indian organization shall be deemed to meet such conditions and requirements (and to be eligible for reimbursement under this title), without regard to the extent of actual compliance with such conditions and requirements during the first 12 months after the month in which such plan is submitted.

“(c) DIRECT BILLING.—For provisions relating to the authority of certain Indian tribes and tribal organizations to elect to directly bill for, and receive payment for, health care services provided by a hospital or clinic of such tribes or tribal organizations and for which payment may be made under this title, see section 405 of the Indian Health Care Improvement Act.

“(d) COMMUNITY HEALTH AIDES.—The Service or an Indian Tribe or tribal organization providing a service otherwise eligible for payment under this section through the use of a community health aide or practitioner certified under the provisions of section 121 of the Indian Health Care Improvement Act shall be paid for such services on the same basis that such services are reimbursed under State plans approved under title XIX.

“(e) TREATMENT OF CERTAIN PROGRAMS.—Notwithstanding any other provision of law, a health program operated by the Service or an Indian tribe or tribal organization, which collaborates with a hospital operated by the Service or an Indian tribe or tribal organization, shall, at the option of the Indian tribe or tribal organization, be paid for services for which it would otherwise be eligible for under this as if the health program were an outpatient department of the hospital. In situations where the health program is on a separate campus from the hospital, billing as an outpatient department of the hospital shall not subject such a health program to the requirements of section 1867.

“(f) PAYMENT FOR CERTAIN NURSING SERVICES.—The Service or an Indian tribe or tribal organization providing visiting nurse services in a home health agency shortage area shall be paid for such services on the same basis that such services are reimbursed under this title for other primary care providers.

“(g) ALTERNATIVE METHODS OF REIMBURSEMENT.—Notwithstanding any other provision of law, the Secretary may identify and implement alternative methods of reimbursing Indian health programs for services reimbursable under this title that are provided to Indians, so long as such methods—

“(1) allow an Indian tribe or tribal organization or urban Indian organization to opt to receive reimbursement under reimbursement methodologies applicable to other providers of similar services; and

“(2) provide that the amount of reimbursement resulting under any such methodology shall not be less than 100 percent of the reasonable cost of the service to which the methodology applies under section 1861(v).”.

#### SEC. 203. QUALIFIED INDIAN HEALTH PROGRAM.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting after section 1880 the following:

##### “QUALIFIED INDIAN HEALTH PROGRAM

“SEC. 1880A. (a) DEFINITION OF QUALIFIED INDIAN HEALTH PROGRAM.—In this section:

“(1) IN GENERAL.—The term ‘qualified Indian health program’ means a health program operated by—

“(A) the Indian Health Service;

“(B) an Indian tribe or tribal organization or an urban Indian organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act) and which is funded in whole or part by the Indian Health Service under the Indian Self Determination and Education Assistance Act; and

“(C) an urban Indian organization (as so defined) and which is funded in whole or in part under title V of the Indian Health Care Improvement Act.

“(2) INCLUDED PROGRAMS AND ENTITIES.—Such term may include 1 or more hospital, nursing home, home health program, clinic, ambulance service or other health program that provides a service for which payments may be made under this title and which is covered in the cost report submitted under this title or title XIX for the qualified Indian health program.

“(b) ELIGIBILITY FOR PAYMENTS.—A qualified Indian health program shall be eligible for payments under this title, notwithstanding sections 1814(c) and 1835(d), if and for so long as the program meets all the conditions and requirements set forth in this section.

“(c) DETERMINATION OF PAYMENTS.—

“(1) IN GENERAL.—Notwithstanding any other provision in the law, a qualified Indian health program shall be entitled to receive payment based on an all-inclusive rate which shall be calculated to provide full cost recovery for the cost of furnishing services provided under this section.

“(2) DEFINITION OF FULL COST RECOVERY.—

“(A) IN GENERAL.—Subject to subparagraph (B), in this section, the term ‘full cost recovery’ means the sum of—

“(i) the direct costs, which are reasonable, adequate and related to the cost of furnishing such services, taking into account the unique nature, location, and service population of the qualified Indian health program, and which shall include direct program, administrative, and overhead costs, without regard to the customary or other charge or any fee schedule that would otherwise be applicable; and

“(ii) indirect costs which, in the case of a qualified Indian health program—

“(I) for which an indirect cost rate (as that term is defined in section 4(g) of the Indian Self-Determination and Education Assistance Act) has been established, shall be not less than an amount determined on the basis of the indirect cost rate; or

“(II) for which no such rate has been established, shall be not less than the administrative costs specifically associated with the delivery of the services being provided.

“(B) LIMITATION.—Notwithstanding any other provision of law, the amount determined to be payable as full cost recovery may not be reduced for co-insurance, co-payments, or deductibles when the service was provided to an Indian entitled under Federal law to receive the service from the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization or because of any limitations on payment provided for in any managed care plan.

“(3) OUTSTATIONING COSTS.—In addition to full cost recovery, a qualified Indian health program shall be entitled to reasonable outstationing costs, which shall include all

administrative costs associated with outreach and acceptance of eligibility applications for any Federal or State health program including the programs established under this title, title XIX, and XXI.

“(4) DETERMINATION OF ALL-INCLUSIVE ENCOUNTER OR PER DIEM AMOUNT.—

“(A) IN GENERAL.—Costs identified for services addressed in a cost report submitted by a qualified Indian health program shall be used to determine an all-inclusive encounter or per diem payment amount for such services.

“(B) NO SINGLE REPORT REQUIREMENT.—Not all health programs provided or administered by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization need be combined into a single cost report.

“(C) PAYMENT FOR ITEMS NOT COVERED BY A COST REPORT.—A full cost recovery payment for services not covered by a cost report shall be made on a fee-for-service, encounter, or per diem basis.

“(5) OPTIONAL DETERMINATION.—The full cost recovery rate provided for in paragraphs (1) through (3) may be determined, at the election of the qualified Indian health program, by the Health Care Financing Administration or by the State agency responsible for administering the State plan under title XIX and shall be valid for reimbursements made under this title, title XIX, and title XXI. The costs described in paragraph (2)(A) shall be calculated under whatever methodology yields the greatest aggregate payment for the cost reporting period, provided that such methodology shall be adjusted to include adjustments to such payment to take into account for those qualified Indian health programs that include hospitals—

“(A) a significant decreases in discharges;

“(B) costs for graduate medical education programs;

“(C) additional payment as a disproportionate share hospital with a payment adjustment factor of 10; and

“(D) payment for outlier cases.

“(6) ELECTION OF PAYMENT.—A qualified Indian health program may elect to receive payment for services provided under this section—

“(A) on the full cost recovery basis provided in paragraphs (1) through (5);

“(B) on the basis of the inpatient or outpatient encounter rates established for Indian Health Service facilities and published annually in the Federal Register;

“(C) on the same basis as other providers are reimbursed under this title, provided that the amounts determined under paragraph (c)(2)(B) shall be added to any such amount;

“(D) on the basis of any other rate or methodology applicable to the Indian Health Service or an Indian Tribe or tribal organization; or

“(E) on the basis of any rate or methodology negotiated with the agency responsible for making payment.

“(d) ELECTION OF REIMBURSEMENT FOR OTHER SERVICES.—

“(1) IN GENERAL.—A qualified Indian health program may elect to be reimbursed for any service the Indian Health Service, an Indian tribe or tribal organization or an urban Indian organization may be reimbursed for under section 1880 and section 1911.

“(2) OPTION TO INCLUDE ADDITIONAL SERVICES.—An election under paragraph (1) may include, at the election of the qualified Indian health program—

“(A) any service when furnished by an employee of the qualified Indian health program who is licensed or certified to perform such a service to the same extent that such service would be reimbursable if performed by a physician and any service or supplies

furnished as incident to a physician's service as would otherwise be covered if furnished by a physician or as an incident to a physician's service;

"(B) screening, diagnostic, and therapeutic outpatient services including part-time or intermittent screening, diagnostic, and therapeutic skilled nursing care and related medical supplies (other than drugs and biologicals), furnished by an employee of the qualified Indian health program who is licensed or certified to perform such a service for an individual in the individual's home or in a community health setting under a written plan of treatment established and periodically reviewed by a physician, when furnished to an individual as an outpatient of a qualified Indian health program;

"(C) preventive primary health services as described under sections 329, 330, and 340 of the Public Health Service Act, when provided by an employee of the qualified Indian health program who is licensed or certified to perform such a service, regardless of the location in which the service is provided;

"(D) with respect to services for children, all services specified as part of the State plan under title XIX, the State child health plan under title XXI, and early and periodic screening, diagnostic, and treatment services as described in section 1905(r);

"(E) influenza and pneumococcal immunizations;

"(F) other immunizations for prevention of communicable diseases when targeted; and

"(G) the cost of transportation for providers or patients necessary to facilitate access for patients."

#### Subtitle B—Medicaid

#### SEC. 211. PAYMENTS TO FEDERALLY-QUALIFIED HEALTH CENTERS.

Section 1902(a)(13) of the Social Security Act (42 U.S.C. 1396a(a)(13)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by adding "and" at the end; and

(3) by adding at the end the following:

"(D)(i) for payment for services described in section 1905(a)(2)(C) under the plan furnished by an Indian tribe or tribal organization or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act) of 100 percent of costs which are reasonable and related to the cost of furnishing such services or based on other tests of reasonableness as the Secretary prescribes in regulations under section 1833(a)(3), or, in the case of services to which those regulations do not apply, the same methodology used under section 1833(a)(3), and

"(ii) in the case of such services furnished pursuant to a contract between the a Federally-qualified health center and a Medicaid managed care organization under section 1903(m), for payment to the Federally-qualified health center at least quarterly by the State of a supplemental payment equal to the amount (if any) by which the amount determined under clause (i) exceeds the amount of the payments provided under such contract."

#### SEC. 212. STATE CONSULTATION WITH INDIAN HEALTH PROGRAMS.

Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (65), by striking the period; and

(2) by inserting after (65), the following:

"(66) if the Indian Health Service operates or funds health programs in the State or if there are Indian tribes or tribal organizations or urban Indian organizations (as those terms are defined in Section 4 of the Indian Health Care Improvement Act) present in the State, provide for meaningful consulta-

tion with such entities prior to the submission of, and as a precondition of approval of, any proposed amendment, waiver, demonstration project, or other request that would have the effect of changing any aspect of the State's administration of the State plan under this title, so long as—

"(A) the term 'meaningful consultation' is defined through the negotiated rulemaking process provided for under section 802 of the Indian Health Care Improvement Act; and

"(B) such consultation is carried out in collaboration with the Indian Medicaid Advisory Committee established under section 415(a)(3) of that Act."

#### SEC. 213. FMAP FOR SERVICES PROVIDED BY INDIAN HEALTH PROGRAMS.

The third sentence of Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended to read as follows:

"Notwithstanding the first sentence of this section, the Federal medical assistance percentage shall be 100 per cent with respect to amounts expended as medical assistance for services which are received through the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act) under section 1911, whether directly, by referral, or under contracts or other arrangements between the Indian Health Service, Indian tribe or tribal organization, or urban Indian organization and another health provider."

#### SEC. 214. INDIAN HEALTH SERVICE PROGRAMS.

Section 1911 of the Social Security Act (42 U.S.C. 1396j) is amended to read as follows:

##### "INDIAN HEALTH SERVICE PROGRAMS

"SEC. 1911. (a) IN GENERAL.—The Indian Health Service and an Indian tribe or tribal organization or an urban Indian organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act), shall be eligible for reimbursement for medical assistance provided under a State plan if and for so long as such Service, Indian tribe or tribal organization, or urban Indian organization provides services or provider types of a type otherwise covered under the State plan and meets the conditions and requirements which are applicable generally to the service for which it seeks reimbursement under this title and for services provided by a qualified Indian health program under section 1880A.

"(b) PERIOD FOR BILLING.—Notwithstanding subsection (a), if the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization which provides services of a type otherwise covered under the State plan does not meet all of the conditions and requirements of this title which are applicable generally to such services submits to the Secretary within 6 months after the date on which such reimbursement is first sought an acceptable plan for achieving compliance with such conditions and requirements, the Service, an Indian tribe or tribal organization, or urban Indian organization shall be deemed to meet such conditions and requirements (and to be eligible for reimbursement under this title), without regard to the extent of actual compliance with such conditions and requirements during the first 12 months after the month in which such plan is submitted.

"(c) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into agreements with the State agency for the purpose of reimbursing such agency for health care and services provided by the Indian Health Service, Indian tribes or tribal organizations and urban Indian organizations, directly, through referral, or under contracts or other arrangements between the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization and an-

other health care provider to Indians who are eligible for medical assistance under the State plan.

#### Subtitle C—State Children's Health Insurance Program

#### SEC. 221. ENHANCED FMAP FOR STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

(a) IN GENERAL.—Section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)) is amended—

(1) by striking "For purposes" and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), for purposes"; and

(2) by adding at the end the following:

"(2) SERVICES PROVIDED BY INDIAN PROGRAMS.—Without regard to which option a State chooses under section 2101(a), the 'enhanced FMAP' for a State for a fiscal year shall be 100 per cent with respect to expenditures for child health assistance for services provided through a health program operated by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as such terms are defined in section 4 of the Indian Health Care Improvement Act)."

(b) CONFORMING AMENDMENT.—Section 2105(c)(6)(B) of such Act (42 U.S.C. 1397ee(c)(6)(B)) is amended by inserting "an Indian tribe or tribal organization, or an urban Indian organization (as such terms are defined in section 4 of the Indian Health Care Improvement Act)" after "Service".

#### SEC. 222. DIRECT FUNDING OF STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

Title XXI of Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

##### "SEC. 2111. DIRECT FUNDING OF INDIAN HEALTH PROGRAMS.

"(a) IN GENERAL.—The Secretary may enter into agreements directly with the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as such terms are defined in section 4 of the Indian Health Care Improvement Act) for such entities to provide child health assistance to Indians who reside in a service area on or near an Indian reservation. Such agreements may provide for funding under a block grant or such other mechanism as is agreed upon by the Secretary and the Indian Health Service, Indian tribe or tribal organization, or urban Indian organization. Such agreements may not be made contingent on the approval of the State in which the Indians to be served reside.

"(b) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, a State may transfer funds to which it is, or would otherwise be, entitled to under this title to the Indian Health Service, an Indian tribe or tribal organization or an urban Indian organization—

"(1) to be administered by such entity to achieve the purposes and objectives of this title under an agreement between the State and the entity; or

"(2) under an agreement entered into under subsection (a) between the entity and the Secretary."

#### Subtitle D—Authorization of Appropriations

#### SEC. 231. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2000 through 2012 to carry out this title and the amendments by this title.

#### TITLE III—MISCELLANEOUS PROVISIONS

#### SEC. 301. REPEALS.

The following are repealed:

(1) Section 506 of Public Law 101-630 (25 U.S.C. 1653 note) is repealed.

(2) Section 712 of the Indian Health Care Amendments of 1988 is repealed.



**SEC. 302. SEVERABILITY PROVISIONS.**

If any provision of this Act, any amendment made by the Act, or the application of such provision or amendment to any person or circumstances is held to be invalid, the remainder of this Act, the remaining amendments made by this Act, and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Mr. INOUE. Mr. President, I rise today to join my Chairman, Senator BEN NIGHTHORSE CAMPBELL, in the introduction of a bill to reauthorize the Indian Health Care Improvement Act of 1976, Public Law 94-437.

Mr. President, for the past two years, the leaders of Indian country have been engaged in a consultation process with the Indian Health Service in an effort to address changes to the Act which would hold the potential of improving and enhancing the ability of tribal health programs, urban Indian health care programs, and the Indian Health Service to provide comprehensive primary health care and public health services to all eligible American Indian and Alaska Native patients citizens.

The goal of the consultation process was to build a consensus on the best means of addressing the health care challenges that confront Native America, so that the reauthorization bill could reflect a unified vision of the Indian Health Service, tribal governments and urban Indian health care programs. The tribal participants in this process appropriately named this comprehensive consultation process "Speaking with One Voice".

Mr. President, this tribally-developed reauthorization bill is the most comprehensive to date. The first step in the consultation process was the convening of a roundtable discussion with tribal leaders, urban Indian health care providers, Indian Health Service health care professionals, national Indian health organizations, researchers, and other policy makers. Specific recommendations regarding the manner in which tribal consultation meetings would be carried out were developed at this Roundtable. From these recommendations, the Roundtable participants developed a consultation approach that included the pursuit of consensus on what amendments to the Act were necessary and the identification of opportunities for change, the identification of area and regional differences, the promotion of a partnership environment for tribes, urban Indians, and the Indian Health Service, and the establishment of a core group to review materials.

Beginning in the fall of 1998, tribal representatives participated in twelve Area meetings to begin discussing concerns and recommendations related to the Act. Each of the twelve geographic Areas facilitated a consultation process with health care providers in their respective Areas, and this process was completed in January 1999.

Four regional consultation meetings were held across the country from January to April, 1999. Regional meetings

were intended to provide a forum for tribes to provide input, to share the recommendations from each Area, and to build consensus among participants for a unified position from each regional meeting. From these four meetings, a matrix of 135 recommendations for each of the sections in the Indian Health Care Improvement Act was developed, as well as proposals for new provisions. Over 900 health care providers participated in the four regional meetings.

Upon the completion of the four regional meetings, the Indian Health Service convened a National Steering committee composed of elected tribal representatives and urban Indian health care program directors. Many of the members of the steering committee had participated in the Area and regional consultation meetings. The National Steering Committee developed a draft consensus bill based on the Area and regional consultation meetings. The draft bill was mailed to every tribal government and urban Indian health care program in the nation with a 30-day period for additional comments. The draft bill was then presented at a national meeting in Washington, D.C. in late July of last year. Participants in this national meeting included tribal government leaders, urban Indian health care providers, members of Congress and their staff, as well as several Administration and departmental officials.

The National Steering Committee has completed a monumental task with the broad support of Indian Tribes and communities across the United States.

With this in mind, I urge my colleagues to support this legislation.

By Mr. GRASSLEY:

S. 2527. A bill to amend the Public Health Service Act to provide grant programs to reduce substance abuse, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

DRUG TREATMENT AND RESEARCH  
ENHANCEMENT ACT

Mr. GRASSLEY. Mr. President, I am sending a bill to the desk to help reinforce our national drug control effort. I held a hearing earlier today on the domestic consequences of a new wave of heroin use. This is a flesh and blood problem that touches all of us. What we see in our homes and schools across the nation is the emergence of a new threat to our young people. A purer form of heroin is making its presence felt. In rich neighborhoods and poor. In our cities and rural areas. In the lives of our young people and their families.

No heroin consumed in this country is made here. Every gram of it is grown in some foreign field, processed in a distant, illegal lab, and smuggled into this country. Yet, this heroin makes its way here by every means possible. It walks, floats, flies, and sneaks across our borders.

While the heroin used here comes from overseas, the consequences of its

coming are felt in our homes, in our schools, in our neighborhoods. It is our young people who die. It is American families who bear the burden and pay the price. Heroin is an equal opportunity destroyer. It blights inner city streets, suburban neighborhoods, and rural communities alike. I fear that the problem is getting worse. And I am concerned that our current policies are simply not up to the challenge.

Somewhere along the way, we lost the clear, consistent message that the only proper response to drugs is to say an emphatic "NO". We're supposed to be more sophisticated. More tolerant. More willing to listen to notions of making dangerous drugs more available. What all of this "more" has meant is that we have more young people using more drugs at younger ages. Today's heroin is cheaper and purer and more widely available. It is more aggressively marketed and it is presented as being safer, as "user friendly".

In the late 1980s and early 1990s, heroin had a bad rap. All drugs did. That is less true today. In the last several years, heroin use among young people has doubled and attitudes about the dangers of the drug have shifted. While it is true that most of our 12 to 20 year olds still believe it bad, the new heroin that we see on our streets and in our schools is marketed to avoid this stigma. The chief reason that the old heroin was seen as bad was because you needed a needle to use it. With the new heroin you can get high from smoking or inhaling, at least at first. And we now have well-moneyed think tank talking heads who preach that the only consequence of heroin addiction is a mild case of constipation. That it is our drug laws that are dangerous not the drugs. In such an environment, we should not be too surprised that an increasing number of young people should be persuaded that heroin is okay.

Communities in Plano, Texas and Orlando, Florida learned this to their dismay when dozens of high school kids died from heroin overdoses. I can think of no pain greater than that of a parent who must bid farewell forever to a child. It is somehow contrary to the natural order for a parent to precede a child in death. But the pain of addiction is a spreading circle of hurt. The hearing I held today on this problem brought this point home in the voices of those most affected: addicts and their families.

The legislation that I offer today will help us address this new problem before it gets any worse. I am proposing that we look at the means to improve our prevention message to stop drug use before it starts. I hope to revitalize community and parent involvement.

I am also proposing increased resources for addiction research and ways to get the best information and best practices into the hands of the professionals who must deal with addiction problems.

In addition, I am calling for a new initiative to support juvenile residential treatment programs that work. Current research shows that we need more focused, long-term critical intervention for young addicts to break the cycle of addiction today before it becomes a worse problem tomorrow. Investment now means better chances for young people and for all of us later.

It's not just a new heroin that plagues us. Designer drugs like methamphetamine and now Ecstasy are flooding this country. Along with heroin, these are marketed to our young people as safe and friendly. Left unanswered, we will see another generation of young lives blighted. We will see families torn up by a widening circle of hurt from drug use. We saw what a similar wave of drug use did to us and to a generation of young people in the 1960s and 1970s. We cannot afford to go through this again. I hope we can begin today to renew our commitment to a drug free future for our young people. I ask my colleagues to join me in supporting the Drug Treatment and Research Enhancement Act.

#### ADDITIONAL COSPONSORS

S. 512

At the request of Mr. GORTON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 662

At the request of Mr. L. CHAFEE, the name of the Senator from Idaho (Mr. CRAPO), was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 882

At the request of Mr. MURKOWSKI, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Non-nuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. GRAMS) were added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1464

At the request of Mr. HAGEL, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain requirements regarding the

Food Quality Protection Act of 1996, and for other purposes.

S. 1668

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1668, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 1874

At the request of Mr. GRAHAM, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1989

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1989, a bill to ensure that employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938 and under other provisions of law.

S. 2062

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2062, a bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps.

S. 2069

At the request of Mr. ENZI, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2069, a bill to permit the conveyance of certain land in Powell, Wyoming.

S. 2107

At the request of Mr. GRAMM, the names of the Senator from Utah (Mr. BENNETT), the Senator from Indiana (Mr. BAYH), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2107, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes.

S. 2217

At the request of Mr. CAMPBELL, the name of the Senator from Montana (Mr. BURNS), was added as a cosponsor of S. 2217, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

S. 2225

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island

(Mr. L. CHAFEE) was added as a cosponsor of S. 2225, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2311

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2311, supra.

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV diseases, and for other purposes.

S. 2333

At the request of Mr. REED, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2333, a bill to amend the Federal Food, Drug, and Cosmetic Act to grant the Food and Drug Administration the authority to regulate the manufacture, sale, and distribution of tobacco and other products containing nicotine, tar, additives, and other potentially harmful constituents, and for other purposes.

S. 2357

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 2386

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2393

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2393, a bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United

States Customs Service personnel, and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2416

At the request of Mr. ASHCROFT, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2416, a bill to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, which serves as headquarters for the Department of State, as the "Harry S. Truman Federal Building."

S. 2419

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2419, a bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 2420

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2420, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2477

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2477, a bill to amend the Social Security Act to provide additional safeguards for beneficiaries with representative payees under the Old-Age, Survivors, and Disability Insurance program or the Supplemental Security Income program.

S. 2492

At the request of Mr. DOMENICI, the name of the Senator from Delaware

(Mr. BIDEN) was added as a cosponsor of S. 2492, a bill to expand and enhance United States efforts in the Russian nuclear complex to expedite the containment of nuclear expertise that presents a proliferation threat, and for other purposes.

S. CON. RES. 107

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 107, a concurrent resolution expressing the sense of the Congress concerning support for the Sixth Nonproliferation Treaty Review Conference.

AMENDMENT NO. 3126

At the request of Ms. LANDRIEU, her name was added as a cosponsor of Amendment No. 3126 proposed to S. 2, a bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

#### SENATE CONCURRENT RESOLUTION 111—EXPRESSING THE SENSE OF THE CONGRESS REGARDING ENSURING A COMPETITIVE NORTH AMERICAN MARKET FOR SOFTWOOD LUMBER

Mr. NICKLES (for himself, Mr. KYL, Mr. LIEBERMAN, Mr. GRAHAM, Mr. GRASSLEY, and Mr. LUGAR) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 111

Whereas the United States and Canada have, since 1989, worked to reduce tariff and nontariff barriers to trade;

Whereas free trade has greatly benefited the United States and Canadian economies;

Whereas the United States and Canada have been engaged in an ongoing dispute over trade in soft-wood lumber for 18 years; Whereas on May, 29, 1996, the United States and Canada entered into an agreement to temporarily resolve the dispute;

Whereas the United States-Canada Softwood Lumber Agreement of 1996 does not promote open trade;

Whereas the scope of the United States-Canada Softwood Lumber Agreement of 1996 has been expanded, leading to uncertainty for importers, distributors, retailers, and purchasers of softwood lumber products;

Whereas the availability of affordable housing is important to the American home-buyer;

Whereas lumber price volatility jeopardizes housing affordability; and

Whereas the United States-Canada Softwood Lumber Agreement of 1996 will expire on April 1, 2001: Now, therefore, be it

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

(1) the United States-Canada Softwood Lumber Agreement of 1996 should terminate on April 1, 2001, with no extension or further quota agreement;

(2) the President should continue discussions with the Government of Canada to promote open and Competitive trade between the United States and Canada of softwood lumber; and

(3) the President should consult with all stakeholders, including consumers of softwood lumber products, in future discussions regarding the open trade of softwood lumber between the United States and Canada.

#### SENATE RESOLUTION 304—EXPRESSING THE SENSE OF THE SENATE REGARDING THE DEVELOPMENT OF EDUCATIONAL PROGRAMS ON VETERANS' CONTRIBUTIONS TO THE COUNTRY AND THE DESIGNATION OF THE WEEK THAT INCLUDES VETERANS DAY, AS "NATIONAL VETERANS WEEK" FOR THE PRESENTATION OF SUCH EDUCATIONAL PROGRAMS

Mr. BIDEN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 304

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining our freedoms and way of life;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in our Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations; and

Whereas our system of civilian control of the Armed Forces makes it essential that the country's future leaders understand the history of military action and the contributions and sacrifices of those who conduct such actions: Now, therefore, be it

*Resolved, That it is the sense of the Senate that—*

(1) the Secretary of Education should work with the Secretary of Veterans Affairs, the Veterans Day National Committee, and the veterans service organizations to encourage, prepare, and disseminate educational materials and activities for elementary and secondary school students aimed at increasing awareness of the contributions of veterans to the prosperity and freedoms enjoyed by United States citizens;

(2) the week that includes Veterans Day be designated as "National Veterans Awareness Week" for the purpose of presenting such materials and activities; and

(3) the President should issue a proclamation calling on the people of the United States to observe such week with appropriate educational activities.

Mr. BIDEN. Mr. President, today I have the honor of submitting a resolution expressing the sense of the Senate that the Department of Education develop and disseminate educational materials and programs designed to make students in elementary and secondary schools aware of the contributions of veterans and their importance in preserving American peace and prosperity. The resolution also designates the week that includes Veterans Day as "National Veterans Awareness Week" to serve as a focus for these educational activities.

Why do we need such an educational effort? In a sense, this action has become necessary because we are victims

of our own success with regard to the superior performance of our Armed Forces. The plain fact is that there are just fewer people around now who have had any connection with military service. For example, as a result of tremendous advances in military technology and the resultant productivity increases, our current Armed Forces now operate effectively with a personnel roster that is one-third less in size than just 10 years ago. In addition, the success of the all-volunteer career-oriented force has led to much lower turnover of personnel in today's military than in previous eras when conscription was a place. Finally, the number of veterans who served during previous conflicts, such as World War II, when our military was many times larger than today, is inevitably declining.

The net result of these changes is that the percentage of the entire population that has served in the Armed Forces is dropping rapidly, a change that can be seen in all segments of society. Whereas during World War II it was extremely uncommon to find a family in America that did not have one of its members on active duty, now there are numerous families that include no military veterans at all. As a consequence of this lack of opportunity for contacts with veterans, many of our young people have little or no connection with or knowledge about the important historical and ongoing role of men and women who have served in the military. This omission seems to have persisted despite ongoing educational efforts by the Department of Veterans Affairs and the veterans service organizations.

This lack of understanding about military veterans' important role in our society can have potentially serious repercussions. In our country, civilian control of the Armed Forces is the key tenet of military governance. A citizenry that is oblivious to the capabilities and limitations of the Armed Forces, and to its critical role throughout our history, can make decisions that have unexpected and unwanted consequences. Even more important, general recognition of the importance of those individual character traits that are essential for military success, such as patriotism, selflessness, sacrifice, and heroism, is vital to maintaining these key aspects of citizenship in the Armed Forces and even throughout the population at large.

Among today's young people, a generation that has grown up largely during times of peace and extraordinary prosperity and has embraced a "me first" attitude, it is perhaps even more important to make sure that there is solid understanding of what it has taken to attain this level of comfort and freedom. The failure of our children to understand why a military is important, why our society continues to depend on it for ultimate survival, and why a successful military requires integrity and sacrifice, will have predictable consequences as these young-

sters become of voting age. Even though military service is a responsibility that is no longer shared by a large segment of the population, as it has been in the past, knowledge of the contribution of those who have served in the Armed Forces is as important as it has ever been. To the extent that many of us will not have the opportunity to serve our country in uniform, we must still remain cognizant of our responsibility as citizens to fulfill the obligations we owe, both tangible and intangible, to those who do serve and who do sacrifice on our behalf.

The importance of this issue was recently brought home to me by Samuel I. Cashdollar, a 13-year-old seventh grader at Lewes Middle School in Lewes, Delaware, who recently won the Delaware VFW's Youth Essay Contest with a powerful presentation titled "How Should We Honor America's Veterans?" Samuel's essay points out that we have Nurses' Week, Secretaries' Week, and Teachers' Week, to rightly emphasize the importance of these occupations, but the contributions of those in uniform tend to be overlooked and many businesses remain open on Veterans Day. In a time when, for some, Veterans Day has simply become an excuse for another department store sale, we need to make sure that we don't become a nation where more high school seniors recognize the name Britney Spears than the name Dwight Eisenhower.

Now, it is appropriate to ask, "We already have Veterans Day, why do we need National Veterans Awareness Week?" Historically Veterans Day was established to honor those who served in uniform during wartime. Although we now customarily honor all veterans on Veterans Day, I see it as a holiday that is focused on honoring individuals, the courageous and selfless men and women without whose actions our country would not exist as it does. National Veterans Awareness Week would complement Veterans Day by focusing on education as well as commemoration, on the contributions of the many in addition to the heroism and service of the individual. National Veterans Awareness Week would also present an opportunity to remind ourselves of the contributions and sacrifices of those who have served in peacetime as well as in conflict; both groups work unending hours and spend long periods away from their families under conditions of great discomfort so that we all can live in a land of freedom and plenty.

Mr. President, I ask my colleagues to support this resolution; our children and our children's children will need to be well informed about what veterans have accomplished in order to make appropriate decisions as they confront the numerous worldwide challenges that they are sure to face in the future. I ask unanimous consent that the text of Samuel Cashdollar's essay be printed in the RECORD.

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

HOW SHOULD WE HONOR AMERICA'S VETERANS?

(By Samuel I. Cashdollar)

The 11th of November each year is designated as Veterans Day and is a Federal holiday. Employees of the U.S. Government get the day off and post offices and most banks are closed. The President visits Arlington National Cemetery and lays a wreath at the Tomb of the Unknown Soldier. Parades are held in some places. This isn't adequate recognition of the contribution veterans have made to America.

Each State is free to decide which Federal Holidays it wants to recognize. In many States, government offices, schools, and businesses remain open on Veterans Day. Even where it's officially observed, Veterans Day comes and goes with most people not even thinking about the tremendous sacrifices made by the men and women who served in Armed Forces and fought for America's freedom.

Today, people celebrate numerous weeks, such as Nurses Week, Secretaries Week, Teachers Week, etc. These are important events, but are they any more important than honoring brave men and women who gave so much for their country? America is free because of these courageous individuals who should be honored with their own week.

The U.S. Congress should pass a law establishing a "Veterans Week". All schools should be required to spend a portion of each day reminding students that it was ordinary people who fought, were wounded, and even killed in defense of America. This could be done in each grade level so that every student would learn something about the wars that our nation has fought. It could be part of a history class as well as a lesson about the responsibility of each person to protect our country. Teachers could easily find stories to share with students who have no idea what war is like. If teachers needed help, I'm sure organizations like the VFW would be glad to participate and even speak to the students.

Veterans Week should be given special attention on television, too, just like Black History Month. I've learned a lot about the history of Black Americans from the stories they feature on television. Movies about heroic battles should be broadcast all week long. Veterans could talk about their experiences in those wars.

In conclusion, it's very sad that many Americans know little or nothing about the great wars our country has fought in. I believe Veterans Week would do a lot to change that.

AMENDMENTS SUBMITTED

EDUCATIONAL OPPORTUNITIES ACT

LIEBERMAN (AND OTHERS)  
AMENDMENT NO. 3127

Mr. LIEBERMAN (for himself, Mr. BAYH, Ms. LANDRIEU, Mrs. LINCOLN, Mr. KOHL, Mr. GRAHAM, Mr. ROBB, Mr. BREAU, Mr. BRYAN, and Mrs. FEINSTEIN) proposed an amendment to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

Beginning on page 1, line 3, strike "1." and all that follows through line 18 on page 922, and insert the following:

# **1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Public Education Reinvestment, Re-invention, and Responsibility Act (Three R's)".

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

Sec. 1. Short title; table of contents.

Sec. 2. References.

Sec. 3. Declaration of priorities.

## **TITLE I—STUDENT PERFORMANCE**

Sec. 101. Heading.

Sec. 102. Findings, policy, and purpose.

Sec. 103. Authorization of appropriations.

Sec. 104. Reservation for school improvement.

## **PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES**

Sec. 105. State plans.

Sec. 106. Local educational agency plans.

Sec. 107. Schoolwide programs.

Sec. 108. School choice.

Sec. 109. Assessment and local educational agency and school improvement.

Sec. 110. State assistance for school support and improvement.

Sec. 111. Parental involvement changes.

Sec. 112. Qualifications for teachers and paraprofessionals.

Sec. 113. Professional development.

Sec. 114. Fiscal requirements.

Sec. 115. Coordination requirements.

Sec. 116. Grants for the outlying areas and the Secretary of the Interior.

Sec. 117. Amounts for grants.

Sec. 118. Basic grants to local educational agencies.

Sec. 119. Concentration grants.

Sec. 120. Targeted grants.

Sec. 121. Special allocation procedures.

## **PART B—EVEN START FAMILY LITERACY PROGRAMS**

Sec. 131. Program authorized.

Sec. 132. Applications.

Sec. 133. Research.

## **PART C—EDUCATION OF MIGRATORY CHILDREN**

Sec. 141. Comprehensive needs assessment and service-delivery plan; authorized activities.

## **PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT**

Sec. 151. State plan and State agency applications.

Sec. 152. Use of funds.

## **PART E—FEDERAL EVALUATIONS, DEMONSTRATIONS, AND TRANSITION PROJECTS**

Sec. 161. Evaluations.

Sec. 162. Demonstrations of innovative practices.

## **PART F—RURAL EDUCATION DEVELOPMENT INITIATIVE**

Sec. 171. Rural education development initiative.

## **PART G—GENERAL PROVISIONS**

Sec. 181. Federal regulations.

Sec. 182. State administration.

## **TITLE II—TEACHER AND PRINCIPAL QUALITY, PROFESSIONAL DEVELOPMENT, AND CLASS SIZE**

Sec. 201. Teacher and principal quality, professional development, and class size.

## **TITLE III—LANGUAGE MINORITY STUDENTS AND INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION**

Sec. 301. Language minority students.

Sec. 302. Emergency immigrant education program.

Sec. 303. Indian, Native Hawaiian, and Alaska Native education.

## **TITLE IV—PUBLIC SCHOOL CHOICE**

Sec. 401. Public school choice.

Sec. 402. Development of public school choice programs; report cards.

## **TITLE V—IMPACT AID**

Sec. 501. Impact aid.

## **TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES**

Sec. 601. High performance and quality education initiatives.

## **TITLE VII—ACCOUNTABILITY**

Sec. 701. Accountability.

## **TITLE VIII—GENERAL PROVISIONS AND REPEALS**

Sec. 801. Repeals, transfers, and redesignations regarding titles VIII and XIV.

Sec. 802. Other repeals.

## **SEC. 2. REFERENCES.**

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

## **SEC. 3. DECLARATION OF PRIORITIES.**

Congress declares that our national educational priorities are to—

(1) introduce real accountability by making public elementary school and secondary school education funding performance-based rather than a guaranteed source of revenue for States and local educational agencies;

(2) require State educational agencies and local educational agencies to establish high student performance objectives, and to provide the State educational agencies and local educational agencies with flexibility in using Federal resources to ensure that the performance objectives are met;

(3) concentrate Federal funding around a small number of central education goals, including compensatory education for disadvantaged children and youth, teacher quality and professional development, programs for limited English proficient students, public school choice programs, innovative educational programs, student safety, and the incorporation of educational technology;

(4) concentrate Federal education funding on impoverished areas where elementary schools and secondary schools are most likely to be in distress;

(5) sanction State educational agencies and local educational agencies that consistently fail to meet established benchmarks; and

(6) reward State educational agencies, local educational agencies, and elementary schools and secondary schools that demonstrate high performance.

## **TITLE I—STUDENT PERFORMANCE**

### **SEC. 101. HEADING.**

The heading for title I (20 U.S.C. 6301 et seq.) is amended to read as follows:

### **"TITLE I—STUDENT PERFORMANCE".**

### **SEC. 102. FINDINGS, POLICY, AND PURPOSE.**

Section 1001 (20 U.S.C. 6301) is amended to read as follows:

#### **"SEC. 1001. FINDINGS, POLICY AND PURPOSE.**

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

"(1) Despite more than 3 decades of Federal assistance, a sizable achievement gap remains between low-income and middle-class students.

"(2) The 1994 reauthorization of the Elementary and Secondary Education Act of

1965 was an important step in focusing our Nation's priorities on closing the achievement gap between poor and affluent students in the United States. The Federal Government must continue to build on these improvements made in 1994 by holding States and local educational agencies accountable for student achievement.

"(3) States can help close this achievement gap by developing challenging curriculum content and student performance standards so that all elementary school and secondary school students perform at an advanced level. States should implement vigorous and comprehensive student performance assessments, such as the National Assessment of Educational Progress (NAEP) so as to measure fully the progress of our Nation's students.

"(4) In order to ensure that no child is left behind in the new economy, the Federal Government must better target Federal resources on those children who are most at-risk for falling behind academically.

"(5)(A) Title I funds have been targeted on high-poverty areas, but not to the degree they should be as demonstrated by the following:

"(B) Although 95 percent of schools with poverty levels of 75 percent to 100 percent receive title I funding, 20 percent of schools with poverty levels of 50 to 74 percent do not receive any title I funding.

"(C) Only 64 percent of schools with poverty levels in the 35 percent to 49 percent range receive title I funding.

"(6) Title I funding should be significantly increased and more effectively targeted to ensure that all low-income students have an opportunity to excel academically.

"(7) The Federal Government should provide greater decisionmaking authority and flexibility to schools and teachers in exchange for greater responsibility for student performance. Federal, State, and local efforts should be focused on raising the academic achievement of all students. Our Nation's children deserve nothing less than holding accountable those responsible for shaping our children's future and our country's future.

"(b) **POLICY.**—Congress declares that it is the policy of the United States to ensure that all students receive a high-quality education by holding States, local educational agencies, and elementary schools and secondary schools accountable for increased student academic performance results, and by facilitating improved classroom instruction.

"(c) **PURPOSES.**—The purposes of this title are as follows:

"(1) To eliminate the existing 2-tiered educational system, which set lower academic expectations for impoverished students than for affluent students.

"(2) To require all States to have challenging content and student performance standards and assessment measures in place.

"(3) To require all States to ensure adequate yearly progress for all students by establishing annual, numerical performance objectives.

"(4) To ensure that all title I students receive educational instruction from a fully qualified teacher.

"(5) To support State and local educational agencies in identifying, assisting, and correcting low-performing schools.

"(6) To increase Federal funding for part A programs for disadvantaged students in return for increased academic performance of all students.

"(7) To target Federal funding to local educational agencies serving the highest percentages of low-income students."

**SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

Section 1002 (20 U.S.C. 6302) is amended to read as follows:

**"SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

"(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A, other than section 1120(e), there are authorized to be appropriated \$12,000,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) EVEN START.—For the purpose of carrying out part B, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the 4 succeeding fiscal years.

"(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the 4 succeeding fiscal years.

"(d) PREVENTION AND INTERVENTION PROGRAMS FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT.—For the purpose of carrying out part D, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the 4 succeeding fiscal years.

"(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1120(e), there are authorized to be appropriated \$12,000,000 for fiscal year 2001 and \$5,000,000 for fiscal year 2002.

"(f) FEDERAL ACTIVITIES.—For the purpose of carrying out sections 1501 and 1502, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the 4 succeeding fiscal years."

**SEC. 104. RESERVATION FOR SCHOOL IMPROVEMENT.**

Section 1003 (20 U.S.C. 6303) is amended to read as follows:

**"SEC. 1003. RESERVATION FOR SCHOOL IMPROVEMENT.**

"(a) STATE RESERVATIONS.—

"(1) IN GENERAL.—Each State educational agency shall reserve 2.5 percent of the amount the State educational agency receives under part A for fiscal years 2001 and 2002, and 3.5 percent of that amount for fiscal years 2003 through 2005, to carry out paragraph (2) and to carry out the State educational agency's responsibilities under sections 1116 and 1117, including the State educational agency's statewide system of technical assistance and support for local educational agencies.

"(2) USES.—Of the amount reserved under paragraph (1) for any fiscal year, the State educational agency shall make available at least 80 percent of such amount directly to local educational agencies.

**PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES****SEC. 105. STATE PLANS.**

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

**"SEC. 1111. STATE PLANS.**

"(a) PLANS REQUIRED.—

"(1) IN GENERAL.—Any State educational agency desiring a grant under this part shall submit to the Secretary a plan, developed in consultation with local educational agencies, teachers, pupil services personnel, administrators (including administrators of programs described in other parts of this title), local school boards, other staff, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and the Head Start Act.

"(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be sub-

mitted as part of a consolidated plan under section 8302.

"(b) STANDARDS, ASSESSMENTS, AND ACCOUNTABILITY.—

"(1) CHALLENGING STANDARDS.—

"(A) IN GENERAL.—Each State plan shall demonstrate that the State has adopted challenging content standards and challenging student performance standards that will be used by the State, and the local educational agencies, and elementary schools and secondary schools, within the State to carry out this part.

"(B) UNIFORMITY.—The standards required by subparagraph (A) shall be the same standards that the State applies to all elementary schools and secondary schools within the State and all children attending such schools.

"(C) SUBJECTS.—The State shall have such standards for elementary school and secondary school children served under this part in subjects determined by the State, but including at least mathematics, science, and English language arts, and which shall include the same knowledge, skills, and levels of performance expected of all children.

"(D) STANDARDS.—Standards under this paragraph shall include—

"(i) challenging content standards in academic subjects that—

"(I) specify what children are expected to know and be able to do;

"(II) contain coherent and rigorous content; and

"(III) encourage the teaching of advanced skills; and

"(ii) challenging student performance standards that—

"(I) are aligned with the State's content standards;

"(II) describe 2 levels of high performance, proficient and advanced levels of performance, that determine how well children are mastering the material in the State content standards; and

"(III) describe a third level of performance, a basic level of performance, to provide complete information about the progress of the lower performing children toward achieving to the proficient and advanced levels of performance.

"(E) ADDITIONAL SUBJECTS.—For the subjects in which students will be served under this part, but for which a State is not required under subparagraphs (A), (B), and (C) to develop, and has not otherwise developed, challenging content and student performance standards, the State plan shall describe a strategy for ensuring that such students are taught the same knowledge and skills and held to the same expectations as are all children.

"(F) SPECIAL RULE.—In the case of a State that allows local educational agencies to adopt more rigorous standards than those set by the State, local educational agencies shall be allowed to implement such standards.

"(2) ADEQUATE YEARLY PROGRESS.—

"(A) IN GENERAL.—Each State plan shall demonstrate, based on assessments described under paragraph (4), what constitutes adequate yearly progress of—

"(i) any school served under this part toward enabling all children to meet the State's challenging student performance standards;

"(ii) any local educational agency that receives funds under this part toward enabling all children in schools served by the local educational agency and receiving assistance under this part to meet the State's challenging student performance standards; and

"(iii) the State in enabling all children in schools receiving assistance under this part to meet the State's challenging student performance standards.

"(B) DEFINITION.—Adequate yearly progress shall be defined by the State in a manner that—

"(i) applies the same high standards of academic performance to all students in the State;

"(ii) takes into account the progress of all students in the State and in each local educational agency and school served under section 1114 or 1115;

"(iii) uses the State challenging content and challenging student performance standards and assessments described in paragraphs (1) and (4);

"(iv) compares separately, within each State, local educational agency, and school, the performance and progress of students, by each major ethnic and racial group, by gender, by English proficiency status, and by economically disadvantaged students as compared to students who are not economically disadvantaged (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student);

"(v) compares the proportions of students at the basic, proficient, and advanced levels of performance with the proportions of students at each of the 3 performance levels in the same grade in the previous school year;

"(vi) endeavors to include other academic measures such as promotion, attendance, drop-out rates, completion of college preparatory courses, college admission tests taken, and secondary school completion, except that failure to meet another academic measure, other than student performance on State assessments aligned with State standards, shall not provide the sole basis for designating a district or school as in need of improvement;

"(vii) includes annual numerical objectives for improving the performance of all groups described in clause (iv) and narrowing gaps in performance between these groups in, at least, the areas of mathematics and English language arts; and

"(viii) includes a timeline for ensuring that each group of students described in clause (iv) meets or exceeds the State's proficient level of performance on each State assessment used for the purposes of this section and section 1116 not later than 10 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

"(C) ACCOUNTABILITY.—Each State plan shall demonstrate that the State has developed and is implementing a statewide accountability system that has been or will be effective in ensuring that all local educational agencies, elementary schools, and secondary schools are making adequate yearly progress as defined in section 1111(b)(2)(B). Each State accountability system shall—

"(i) be based on the standards and assessments adopted under paragraphs (1) and (4) and take into account the performance of all students required by law to be included in such assessments;

"(ii) be the same accountability system the State uses for all schools or all local educational agencies, if the State has an accountability system for all schools or all local educational agencies;

"(iii) provide for the identification of schools or local educational agencies receiving funds under this part that for 2 consecutive years have exceeded such schools' or agencies' adequate yearly progress goals so that information about the practices and strategies of such schools or agencies can be disseminated to other schools in the local educational agency and in the State and

such schools can be considered for rewards provided under title VII of this Act;

“(iv) provide for the identification of schools and local educational agencies in need of improvement, as required by section 1116, and for the provision of technical assistance, professional development, and other capacity-building as needed, including those measures specified in sections 1116(d)(9) and 1117, to ensure that schools and local educational agencies so identified have the resources, skills, and knowledge needed to carry out their obligations under sections 1114 and 1115 and to meet the requirements for annual improvement described in paragraph (2); and

“(v) provide for the identification of schools and local educational agencies for corrective action or actions as required by section 1116, and for the implementation of corrective actions against school and school districts when such actions are required under such section.

“(D) ANNUAL IMPROVEMENT FOR STATES.—For a State to make adequate yearly progress under subparagraph (A)(iii), not less than 90 percent of the local educational agencies within the State shall meet the State’s criteria for adequate yearly progress.

“(E) ANNUAL IMPROVEMENT FOR LOCAL EDUCATIONAL AGENCIES.—For a local educational agency to make adequate yearly progress under subparagraph (A)(ii), not less than 90 percent of the schools served by the local educational agency shall meet the State’s criteria for adequate yearly progress.

“(F) ANNUAL IMPROVEMENT FOR SCHOOLS.—For an elementary school or a secondary school to make adequate yearly progress under subparagraph (A)(i), not less than 90 percent of each group of students described in subparagraph (B)(iv) who are enrolled in such school shall take the assessments described in paragraph (4)(D) and in section 612(a)(17)(A) of the Individuals with Disabilities Education Act.

“(G) PUBLIC NOTICE AND COMMENT.—

“(i) IN GENERAL.—Each State shall submit information in the State plan demonstrating that in developing such plan—

“(I) the State diligently sought public comment from a range of institutions and individuals in the State with an interest in improved student achievement; and

“(II) the State made and will continue to make a substantial effort to ensure that information regarding content standards, performance standards, assessments, and the State accountability system is widely known and understood by the public, parents, teachers, and school administrators throughout the State.

“(ii) EFFORTS.—The efforts described in clause (i), at a minimum, shall include annual publication of such information and explanatory text to the public through such means as the Internet, the media, and public agencies. Non-English language shall be used to communicate with parents where appropriate.

“(H) REVIEW.—The Secretary shall review information from each State on the adequate yearly progress of schools and local educational agencies within the State required under subparagraphs (A) and (B) for the purpose of determining State and local compliance with section 1116.

“(3) STATE AUTHORITY.—If a State educational agency provides evidence that is satisfactory to the Secretary that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority under State law to adopt curriculum content and student performance standards, and assessments aligned with such standards, that will be applicable to all students enrolled in the State’s public schools, then the State educational agency

may meet the requirements of this subsection by—

“(A) adopting curriculum content and student performance standards and assessments that meet the requirements of this subsection, on a statewide basis, and limiting the applicability of such standards and assessments to students served under this part; or

“(B) adopting and implementing policies that ensure that each local educational agency within a State receiving a grant under this part will adopt curriculum content and student performance standards and assessments—

“(i) that are aligned with the standards described in subparagraph (A); and

“(ii) that meet the criteria in this subsection and any regulations regarding such standards and assessments that the Secretary may publish and that are applicable to all students served by each such local educational agency.

“(4) ASSESSMENTS.—Each State plan shall demonstrate that the State has implemented a set of high quality, yearly student assessments that include, at a minimum, assessments in mathematics, science, and English language arts, that will be used, starting not later than the 2000–2001 school year as the primary means of determining the yearly performance of each local educational agency and school served by the State under this title in enabling all children to meet the State’s challenging content and student performance standards. Such assessments shall—

“(A) be the same assessments used to measure the performance of all children, if the State measures the performance of all children;

“(B) be aligned with the State’s challenging content and student performance standards, and provide coherent information about the local educational agency’s contribution to the student attainment of such standards;

“(C) be used only for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards for such assessments;

“(D) measure the performance of students against the challenging State content and student performance standards, and be administered not less than once during—

“(i) grades 3 through 5;

“(ii) grades 6 through 9; and

“(iii) grades 10 through 12;

“(E) include multiple, up-to-date measures of student performance and the local educational agency’s contribution to student performance, including measures that assess higher-order thinking skills and understanding;

“(F) provide for—

“(i) the participation in such assessments of all students;

“(ii) the reasonable adaptations and accommodations for students with disabilities as defined in 602(3) of the Individuals with Disabilities Education Act necessary to measure the achievement of such students relative to State content and student performance standards;

“(iii) in the case of a student with limited English proficiency, the assessment of such student in the student’s native language if such a native language assessment is more likely than an English language assessment to yield accurate and reliable information on what that student knows and is able to do; and

“(iv) notwithstanding clause (iii), the assessment (using tests written in English) of English language arts of any student who has attended school in the United States (not including the Commonwealth of Puerto

Rico) for 3 or more consecutive school years, except if the local educational agency determines, on a case-by-case individual basis, that assessments in another language and form would likely yield more accurate and reliable information on what such students know and can do, the local educational agency may assess such students in the appropriate language other than English for 1 additional consecutive year beyond the third consecutive year; and

“(G) include students who have attended schools in a local educational agency for a full academic year but have not attended a single school for a full academic year, except that the performance of students who have attended more than 1 school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency;

“(H) provide individual student reports to be submitted to parents, including assessment scores or other information on the attainment of student performance standards; and

“(I) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, and by economically disadvantaged students as compared to students who are not economically disadvantaged.

“(5) RIGOROUS CRITERIA.—States are encouraged to use rigorous criteria assessment measures.

“(6) FIRST GRADE LITERACY ASSESSMENT.—In addition to those assessments described in paragraph (4), each State receiving funds under this part shall describe in its State plan what reasonable steps it is taking to assist and encourage local educational agencies—

“(A) to measure literacy skills of first graders in schools receiving funds under this part by providing assessments of first graders that are—

“(i) developmentally appropriate;

“(ii) aligned with State content and student performance standards; and

“(iii) scientifically research-based; and

“(B) to assist and encourage local educational agencies receiving funds under this part in identifying and taking developmentally appropriate and effective interventions in any school served under this part in which a substantial number of first graders have not demonstrated grade-level literacy proficiency by the end of the school year.

“(7) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English and Spanish that are present in the participating student populations in the State, and indicate the languages for which yearly student assessments are not available and are needed. The State may request assistance from the Secretary if linguistically accessible assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate assessment measures in the needed languages, but shall not mandate a specific assessment or mode of instruction.

“(8) ASSESSMENT DEVELOPMENT.—A State shall develop and implement the State assessments, including, at a minimum, mathematics and English language arts, by the 2000–2001 school year.

“(9) REQUIREMENT.—Each State plan shall describe—

“(A) how the State educational agency will assist each local educational agency and school affected by the State plan to develop the capacity to comply with each of the requirements of sections 1114(b), 1115(c), and 1116 that are applicable to such agency or school;

“(B) how the State educational agency will—



“(i) hold each local educational agency affected by the State plan accountable for improved student performance, including a procedure for—

“(I) identifying local educational agencies and schools in need of improvement; and

“(II) assisting local educational agencies and schools identified under subclause (I) to address achievement problems, including thorough descriptions of the amounts and types of professional development to be provided instructional staff, the amount of any financial assistance to be provided by the State under section 1003, and the amount of any funds to be provided by other sources and the activities to be provided by those sources; and

“(ii) implementing corrective action if assistance is not effective;

“(C) how the State educational agency is providing low-performing students additional academic instruction, such as before- and after-school programs and summer academic programs;

“(D) such other factors the State considers appropriate to provide students an opportunity to achieve the knowledge and skills described in the State’s challenging content standards;

“(E) the specific steps the State educational agency will take or the specific strategies the State educational agency will use to ensure that—

“(i) all teachers in both schoolwide programs and targeted assistance programs are fully qualified not later than December 31, 2005; and

“(ii) low-income students and minority students are not taught at higher rates than other students by inexperienced, uncertified, or out-of-field teachers; and

“(F) the measures the State educational agency will use to evaluate and publicly report the State’s progress in improving the quality of instruction in the schools served by the State educational agency and local educational agencies receiving funding under this Act.

“(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

“(1) the State educational agency will work with other agencies, including educational service agencies or other local consortia and institutions to provide technical assistance to local educational agencies and elementary schools and secondary schools to carry out the State educational agency’s responsibilities under this part, including technical assistance in providing professional development under section 1119(A) and technical assistance under section 1117; and

“(2)(A) where educational service agencies exist, the State educational agency will consider providing professional development and technical assistance through such agencies; and

“(B) where educational service agencies do not exist, the State educational agency will consider providing professional development and technical assistance through other cooperative agreements, such as through a consortium of local educational agencies;

“(3) the State educational agency will use the disaggregated results of the student assessments required under subsection (b)(4), and other measures or indicators available to the State, to review annually the progress of each local educational agency and school served under this part to determine whether each such agency and school is making the annual progress necessary to ensure that all students will meet the proficient level of performance on the assessments described in subsection (b)(4) within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

“(4) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual elementary schools and secondary schools participating in a program assisted under this part;

“(5) the State educational agency will regularly inform the Secretary and the public in the State of how Federal laws, if any, hinder the ability of States to hold local educational agencies and schools accountable for student academic performance;

“(6) the State educational agency will encourage elementary schools and secondary schools to consolidate funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

“(7) the State educational agency will modify or eliminate State fiscal and accounting barriers so that elementary schools and secondary schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114;

“(8) the State educational agency has involved the committee of practitioners established under section 1703(b) (as redesignated by section 161(2)) in developing and monitoring the implementation of the State plan; and

“(9) the State educational agency will inform local educational agencies of the local educational agency’s authority to obtain waivers under title VIII and, if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999.

“(d) PEER REVIEW AND SECRETARIAL APPROVAL.—The Secretary shall—

“(1) establish a peer review process to assist in the review of State plans;

“(2) only approve a State plan meeting each of the requirements of this section;

“(3) if the Secretary determines that the State plan does not meet each of the requirements of subsection (a), (b), or (c), immediately notify the State of such determination and the reasons for such determination;

“(4) not disapprove a State plan before—

“(A) notifying the State educational agency in writing of the specific deficiencies of the State plan;

“(B) offering the State an opportunity to revise the State plan;

“(C) providing technical assistance in order to assist the State to meet the requirements under subsections (a), (b), and (c); and

“(D) providing a hearing;

“(5) have the authority to disapprove a State plan for not meeting the requirements of this section, but shall not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan 1 or more specific elements of the challenging State content standards or to use specific assessment instruments or items; and

“(6) require a State to submit a revised State plan that meets the requirements of this section to the Secretary for approval not later than 1 year after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

“(e) DURATION OF THE PLAN.—

“(1) IN GENERAL.—Each State plan shall—

“(A) remain in effect for the duration of the State’s participation under this part; and

“(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State’s strategies and programs under this part.

“(2) ADDITIONAL INFORMATION.—If the State makes significant changes in its State plan, such as the adoption of new challenging State content standards and State student performance standards, new assessments, or a new definition of adequate yearly progress,

the State shall submit such information to the Secretary.

“(f) LIMITATION ON CONDITIONS.—Nothing in this part shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State’s, local educational agency’s, or elementary school’s or secondary school’s specific challenging content or student performance standards, assessments, curricula, or program of instruction, as a condition of eligibility to receive funds under this part.

“(g) PENALTIES.—

“(1) IN GENERAL.—If a State fails to meet the statutory deadlines for demonstrating that the State has in place challenging content standards and student performance standards, assessments, a system for measuring and monitoring adequate yearly progress, and a statewide system for holding schools and local educational agencies accountable for making adequate yearly progress with each group of students specified in subsection (b)(2)(B)(iv), the State shall be ineligible to receive any administrative funds under section 1703(c) that exceed the amount received by the State for such purposes in the previous year.

“(2) ADDITIONAL FUNDS.—Based on the extent to which challenging content standards and student performance standards, assessments, systems for measuring and monitoring adequate yearly progress, and a statewide system for holding schools and local educational agencies accountable for making adequate yearly progress with each group of students specified in subsection (b)(2)(B)(iv), are not in place, the Secretary shall withhold additional administrative funds in such amount as the Secretary determines appropriate, except that for each additional year that the State fails to comply with such requirements, the Secretary shall withhold not less than 1/5 of the amount the State receives for administrative expenses under section 1703(c).

“(3) WAIVER.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), notwithstanding part D of title VIII, the Education Flexibility Partnership Act of 1999, or any other provision of law, a waiver of this section shall not be granted, except that a State may request a 1-time, 1-year waiver to meet the requirements of this section.

“(B) EXCEPTION.—A waiver granted pursuant to subparagraph (A) shall not apply to the requirements described under subsection (h).

“(h) SPECIAL RULE ON SCIENCE STANDARDS AND ASSESSMENTS.—Notwithstanding subsection (b) and part D of title IV, no State shall be required to meet the requirements under this title relating to science standards or assessments until the beginning of the 2005–2006 school year.”.

#### SEC. 106. LOCAL EDUCATIONAL AGENCY PLANS.

(a) SUBGRANTS.—Section 1112(a)(1) (20 U.S.C. 6312(a)(1)) is amended by striking “” and all that follows and inserting “the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, and other Acts, as appropriate.”.

(b) PLAN PROVISIONS.—Section 1112(b) (20 U.S.C. 6312(b)) is amended—

(1) by striking “Each” and inserting “In order to help low-achieving children achieve high standards, each”;

(2) in paragraph (1)—

(A) by striking “part” each place it appears and inserting “title”; and

(B) in subparagraph (B), by inserting “low-achieving” before “children”;

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking “program,” and inserting “programs and”; and

(ii) by striking “, and school-to-work transition programs”; and

(B) in subparagraph (B), by striking “under part C” and all that follows through “dropping out” and inserting “under part C, neglected or delinquent youth.”;

(4) in paragraph (7), by striking “eligible”;

(5) in paragraph (9), by striking the period and inserting a semicolon; and

(6) by adding at the end the following new paragraphs:

“(10) a description of the actions the local educational agency will take to assist the low-performing schools served by the local educational agency, including schools identified under section 1116 as in need of improvement; and

“(11) a description of how the local educational agency will promote the use of alternative instructional methods, and extended learning time, such as an extended school year, before- and after-school programs, and summer programs.”.

(c) ASSURANCES.—Section 1112(c) (20 U.S.C. 6312(c)) is amended to read as follows:

“(c) ASSURANCES.—

“(1) IN GENERAL.—Each local educational agency plan shall provide assurances that the local educational agency will—

“(A) specify the steps the local educational agency will take to ensure that all teachers in both schoolwide programs and targeted assistance are fully qualified not later than December 31, 2005 and the strategies the local educational agency will use to ensure that low-income students and minority students are not taught at higher rates than other children by inexperienced, uncertified, or out-of-field teachers, and the measures the agency will use to evaluate and publicly report progress in improving the quality of instruction in schools served by the local educational agency and receiving funding under this Act;

“(B) reserve not less than 10 percent of the funds the agency receives under this part for high quality professional development, as defined in section 1119, for professional instruction staff;

“(C) provide eligible schools and parents with information regarding schoolwide project authority and the ability of such schools to consolidate funds from Federal, State, and local sources;

“(D) provide technical assistance and support to schoolwide programs;

“(E) work in consultation with schools as the schools develop a school plan pursuant to section 1114(b)(2), and assist schools in implementing such plans or undertaking activities pursuant to section 1115(c), so that each school can make adequate yearly progress toward meeting the challenging State student performance standards;

“(F) use the disaggregated results of the student assessments required under section 1111(b)(4), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency and receiving funds under this title to determine whether or not all schools are making the annual progress necessary to ensure that all students will meet the proficient level of performance on the assessments described in section 1111(b)(4) within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

“(G) set and hold schools served by the local educational agency accountable for meeting annual numerical goals for improving the performance of all groups of students based on the performance standards set by the State under section 1111(b)(1)(D)(ii);

“(H) fulfill the local educational agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(c)(9);

“(I) provide the State educational agency with—

“(i) an annual, up-to-date, and accurate list of all schools served by the local educational agency that are eligible for school improvement and corrective action;

“(ii) the reasons why each school described in clause (i) was identified for school improvement or corrective action; and

“(iii) the specific plans for improving student performance in each of the schools described in clause (i), including the specific numerical achievement goals for the succeeding 2 school years, for each group of students specified in section 1111(b)(2)(B)(iv) enrolled in each such school;

“(J) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1120, and provide timely and meaningful consultation with private school officials regarding such services;

“(K) take into account the experience of model programs for the educationally disadvantaged and the findings of relevant scientifically based research when developing technical assistance plans for, and delivering technical assistance to, schools served by the local educational agency that are receiving funds under this part and are in school improvement or corrective action;

“(L) in the case of a local educational agency that chooses to use funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act;

“(M) comply with the requirements of section 1119 regarding the qualifications of teachers and paraprofessionals;

“(N) inform eligible schools served by the local educational agency of the agency's authority to obtain waivers on such school's behalf under title VIII, and if the State is an Ed-Flex Partnership State, under the Education Flexibility Partnership Act of 1999; and

“(O) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and their families.

“(2) MODEL PROGRAMS; SCIENTIFICALLY BASED RESEARCH.—In carrying out paragraph (1)(K)—

“(A) the Secretary shall consult with the Secretary of Health and Human Services on the implementation of such subparagraph, and shall establish procedures (taking into consideration existing State and local laws and local teacher contracts) to assist local educational agencies to comply with such subparagraph;

“(B) the Secretary shall disseminate to local educational agencies the Head Start performance standards under section 641A(a) of the Head Start Act upon such standard's publication; and

“(C) local educational agencies affected by such subparagraph shall plan for the implementation of such subparagraph (taking into consideration existing State and local laws, and local teacher contracts), including pursuing the availability of other Federal, State, and local funding sources to assist in compliance with such subparagraph.

“(3) INAPPLICABILITY.—The provisions of this subsection shall not apply to preschool programs using the Even Start model or to Even Start programs.”.

(d) PLAN DEVELOPMENT AND DURATION.—Section 1112(d) (20 U.S.C. 6312(d)) is amended to read as follows:

“(d) PLAN DEVELOPMENT AND DURATION.—

“(1) CONSULTATION.—Each local educational agency plan shall be developed in

consultation with teachers, principals, local school boards, administrators (including administrators of programs described in other parts of this title), other appropriate school personnel, and parents of children in elementary schools and secondary schools served under this part.

“(2) DURATION.—Each plan described in paragraph (1) shall remain in effect for the duration of the local educational agency's participation under this part.

“(3) REVIEW.—Each local educational agency shall periodically review, and as necessary, revise its plan.”.

(e) STATE APPROVAL.—Section 1112(e) (20 U.S.C. 6312(e)) is amended to read as follows:

“(e) PEER REVIEW AND STATE APPROVAL.—

“(1) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

“(2) APPROVAL.—The State educational agency shall establish a peer review process to assist in the review of local educational agency plans. The State educational agency shall approve a local educational agency plan only if the State educational agency determines that the local educational agency plan—

“(A) will enable elementary schools and secondary schools served by the local educational agency and under this part to help all groups of students specified in section 1111(b)(1) meet or exceed the proficient level of performance on the assessments required under section 1111(b)(4) within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act; and

“(B) meets each of the requirements of this section.

“(3) STATE REVIEW.—Each State educational agency shall at least annually review each local agency plan approved under this subsection against the results of the disaggregated assessments required under section 1111(b)(4) for each local educational agency to ensure that the progress of all students in schools served by each local educational agency under this part is adequate to ensure that all students in the State will meet or exceed the proficient standard level of performance on assessments within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

“(4) PUBLIC REVIEW.—Each State educational agency will make publicly available each local educational agency plan.”.

(f) PARENTAL NOTIFICATION FOR ENGLISH LANGUAGE INSTRUCTION.—Section 1112 (20 U.S.C. 6312) is amended by adding at the end the following:

“(g) PARENTAL NOTIFICATION FOR ENGLISH LANGUAGE INSTRUCTION.—

“(1) NOTIFICATION.—If a local educational agency uses funds under this part to provide English language instruction to limited English proficient students, the local educational agency shall inform a parent or the parents of a child participating in an English language assistance educational program assisted under this part of—

“(A) the reasons for the identification of the child as being in need of English language instruction;

“(B) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

“(C) how the English language assistance educational program will specifically help the child learn English and meet age-appropriate standards for grade promotion and graduation;

“(D) the specific exit requirements of the English language assistance educational program;

“(E) the expected rate of graduation from the English language assistance educational program into mainstream classes; and

“(F) the expected rate of graduation from secondary school if funds under this part are used for children in secondary schools.

“(2) PARENTAL RIGHTS.—

“(A) IN GENERAL.—A parent or the parents of a child participating in an English language assistance educational program under this part shall—

“(i) have the option of selecting among methods of instruction, if more than one method is offered in the program; and

“(ii) have the right to have their child immediately removed from the program upon their request.

“(B) RECEIPT OF INFORMATION.—A parent or the parents of a child identified for participation in an English language assistance educational program under this part shall receive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—

“(i) timely information about English language assistance educational programs for limited English proficient children assisted under this part; and

“(ii) if a parent of a participating child so desires, notice of opportunities for regular meetings of parents of limited English proficient children participating in English language assistance educational programs under this part for the purpose of formulating and responding to recommendations from such parents.

“(3) BASIS FOR ADMISSION OR EXCLUSION.—No student shall be admitted to or excluded from any federally assisted education program solely on the basis of a surname or language minority status.”.

#### SEC. 107. SCHOOLWIDE PROGRAMS.

(a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—Section 1114(a) (20 U.S.C. 6314(a)) is amended—

(1) in paragraph (1), by striking “school described in subparagraph (A)” and all that follows through “such families.” the second place it appears and inserting “school that serves an eligible school attendance area in which—

“(A) not less than 40 percent of the children are from low-income families; or

“(B) not less than 40 percent of the children enrolled in the school are from such families.”; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “subsections (c)(1) and (e) of”; and

(B) in subparagraph (B), by striking “subsections (c)(1) and (e) of”.

(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—Section 1114(b) (20 U.S.C. 6314(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “section 1111(b)(1)” and inserting “section 1111(b)”;

(B) in subparagraph (B)—

(i) in clause (i), by striking “section 1111(b)(1)(D)” and inserting “1111(b)”;

(ii) in clause (iii)(II), by inserting “and” after the semicolon;

(iii) in clause (iv)(II), by striking “; and” and inserting a period; and

(iv) by striking clause (vii); and

(C) in subparagraph (G), by striking “section 1112(b)(1)” and inserting “section 1112”; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking “Improving America’s Schools Act of 1994” and inserting “Public Education Reinvestment, Reinvention, and Responsibility Act”; and

(ii) by striking “subsections (c)(1) and (e) of”; and

(iii) in clause (iv), by striking “section 1111(b)(3)” and inserting “section 1111(b)(4)”;

(B) in subparagraph (B), by striking “paragraphs (1) and (3) of section 1111(b)” and inserting “paragraphs (1) and (4) of section 1111(b)”;

(C) in subparagraph (C)(i)—

(i) in subclause (I), by striking “subsections (c) and (e) of”; and

(ii) in subclause (II), by striking “Improving America’s Schools Act of 1994” and inserting “Public Education Reinvestment, Reinvention, and Responsibility Act”.

#### SEC. 108. SCHOOL CHOICE.

Section 1115A (20 U.S.C. 6316) is amended to read as follows:

##### “SEC. 1115A. SCHOOL CHOICE.

“(a) CHOICE PROGRAMS.—A local educational agency may use funds under this part, in combination with State, local, and private funds, to develop and implement public school choice programs, for children eligible for assistance under this part, that permit parents to select the public school that their child will attend and are consistent with State and local law, policy, and practice related to public school choice and local pupil transfer.

“(b) CHOICE PLAN.—A local educational agency that chooses to implement a public school choice program under this section shall first develop a plan that—

“(1) contains an assurance that all eligible students across grade levels served under this part will have equal access to the program;

“(2) contains an assurance that the program does not include elementary schools or secondary schools that follow a racially discriminatory policy;

“(3) describes how elementary schools or secondary schools will use resources under this part, and from other sources, to implement the plan;

“(4) contains an assurance that the plan will be developed with the involvement of parents and others in the community to be served, and individuals who will carry out the plan, including administrators, teachers, principals, and other staff;

“(5) contains an assurance that parents of eligible students served by the local educational agency will be given prompt notice of the existence of the public school choice program, the program’s availability to such parents, and a clear explanation of how the program will operate;

“(6) contains an assurance that the public school choice program—

“(A) shall include charter schools and any other public elementary school and secondary school; and

“(B) shall not include as a ‘receiving school’ an elementary school or a secondary school that—

“(i) is or has been identified as a school in, or eligible for, school improvement or corrective action;

“(ii) has been in school improvement or corrective action within the last 2 consecutive academic years; or

“(iii) is at risk of being eligible for school improvement within the next school year;

“(7) contains an assurance that transportation services or the costs of transportation to and from the public school choice program—

“(A) may be provided by the local educational agency with funds under this part and from other sources; and

“(B) shall not be provided from funds made available under this part to the local educational agency that exceed 10 percent of such funds; and

“(8) contains an assurance that such local educational agency will comply with the other requirements of this part.”.

#### SEC. 109. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

(a) LOCAL REVIEW.—Section 1116(a) (20 U.S.C. 6317(a)) is amended—

(1) in paragraph (2), by striking “1111(b)(2)(A)(i)” and inserting “1111(b)(2)(B)”;

(2) in paragraph (3)—

(A) by striking “individual school performance profiles” and inserting “school report cards”;

(B) by striking “1111(b)(3)(I)” and inserting “1111(b)(4)(I)”;

(C) by striking “and” after the semicolon;

(3) in paragraph (4), by striking the period and inserting “; and”; and

(4) by adding at the end the following:

“(5) review the effectiveness of the actions and activities the schools are carrying out under this part with respect to parental involvement assisted under this Act.”.

(b) SCHOOL IMPROVEMENT.—Section 1116(c) (20 U.S.C. 6317(c)) is amended to read as follows:

“(c) SCHOOL IMPROVEMENT.—

“(1) IN GENERAL.—A local educational agency shall identify for school improvement any elementary school or secondary school served under this part that—

“(A) for 2 consecutive years failed to make adequate yearly progress as defined in the State’s plan under section 1111(b)(2); or

“(B) was in, or was eligible for, school improvement status under this section on the day preceding the date of the enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

“(2) TRANSITION.—The 2-year period described in paragraph (1)(A) shall include any continuous period of time immediately preceding the date of the enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act during which an elementary school or a secondary school did not make adequate yearly progress as defined in the State’s plan, as such plan was in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention and Responsibility Act.

“(3) TARGETED ASSISTANCE SCHOOLS.—To determine if an elementary school or a secondary school that is conducting a targeted assistance program under section 1115 should be identified as in need of improvement under this subsection, a local educational agency may choose to review the progress of only those students in such school who are served, or are eligible for services, under this part.

“(4) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—(A) Before identifying an elementary school or a secondary school for school improvement under paragraph (1), the local educational agency shall provide the school with an opportunity to review the school level data, including assessment data, on which the proposed identification is based.

“(B) If the principal of a school proposed for identification as in need of school improvement believes that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the local educational agency, which the agency shall consider before making a final determination.

“(5) TIME LIMITS.—Not later than 30 days after a local educational agency makes its initial determination that a school served by the agency and receiving assistance under this part is eligible for school improvement, the local educational agency shall make public a final determination on the status of the school.

“(6) NOTIFICATION TO PARENTS.—A local educational agency shall, in an easily understandable format, and in the 3 languages, other than English, spoken by the greatest

number of individuals in the area served by the local educational agency, provide in writing to parents of each student in an elementary school or a secondary school identified for school improvement—

“(A) an explanation of what the school improvement identification means, and how the school identified for improvement compares in terms of academic performance to other elementary schools or secondary schools served by the local educational agency and the State educational agency;

“(B) the reasons for such identification;

“(C) the data on which such identification was based;

“(D) an explanation of what the school identified for improvement is doing to address the problem of low achievement;

“(E) an explanation of what the local educational agency or State educational agency is doing to help the school address its achievement problems, including the amounts and types of professional development being provided to the instructional staff in such school, the amount of any financial assistance being provided by the State educational agency under section 1003, and the activities that are being provided with such financial assistance;

“(F) an explanation of how parents described in this paragraph can become involved in addressing the academic issues that caused the school to be identified as in need of improvement; and

“(G) an explanation of the right of parents, pursuant to paragraph (7), to transfer their child to a higher performing public school, including a public charter school or magnet school, that is not in school improvement, and how such transfer shall operate.

“(7) PUBLIC SCHOOL CHOICE OPTION.—

“(A) SCHOOLS IN CORRECTIVE ACTION.—

“(i) SCHOOLS IN CORRECTIVE ACTION ON OR BEFORE DATE OF ENACTMENT.—In the case of a school identified for corrective action on or before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, a local educational agency shall not later than 18 months after such date of enactment provide all students enrolled in the school an option to transfer (consistent with State and local law, policy, and practices related to public school choice and local pupil transfer) to any other higher performing public school, including a public charter or magnet school, that—

“(I) has not been identified for school improvement or corrective action;

“(II) is not at risk of being identified for school improvement or corrective action within the succeeding academic year; and

“(III) has not been in corrective action at any time during the 2 preceding academic years.

“(ii) SCHOOLS IDENTIFIED AFTER DATE OF ENACTMENT.—In the case of a school identified for corrective action after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, a local educational agency shall not later than 12 months after the date on which a local educational agency identifies the school for corrective action provide all students enrolled in the school with the transfer option described in clause (i).

“(B) COOPERATIVE AGREEMENT.—If all public schools served by the local educational agency to which a child may transfer under clause (i) are identified for corrective action, or, if public schools in the agency's jurisdiction that are not in corrective action cannot accommodate all of the students who are eligible to transfer because of capacity, or State or local law, policy, and practices related to public school choice and local pupil transfer, the local educational agency shall, to the extent practicable, establish a cooperative agreement with other local educational

agencies that serve geographic areas in proximity to the geographic area served by the local educational agency, to enable a child to transfer (consistent with State and local law, policy, and practices related to public school choice and local pupil transfer) to a school served by such other local educational agencies that meets the requirements described in subparagraph (A)(i).

“(C) TRANSPORTATION.—A local educational agency that serves a school that has been identified for corrective action shall provide transportation services or the costs of such services for children of parents who choose to transfer their children pursuant to this paragraph to a different school. Not more than 10 percent of the funds allocated to a local educational agency under this part may be used to provide such transportation services or costs of such services.

“(D) CONTINUATION OPTION.—Once a school is no longer identified for or in corrective action, the local educational agency shall continue to provide public school choice as an option to students in such schools for a period of not less than 2 years.

“(8) SCHOOL PLAN.—(A) Each school identified under paragraph (1) for school improvement shall, after being so identified, develop or revise a school plan, in consultation with parents, school staff, the local educational agency serving the school, the local school board, and other outside experts, for approval by such local educational agency. The school plan shall—

“(i) incorporate scientifically based research strategies that strengthen the core academic programs in the school and address the specific academic issues that caused the school to be identified for school improvement;

“(ii) adopt policies and practices in the school's core academic program that have the greatest likelihood of ensuring that all groups of students specified in section 1111(b)(2)(B)(iv) enrolled in the school will meet or exceed the State's proficient level of performance on the assessment required in section 1111(b)(4) within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

“(iii) assure that the school will reserve not less than 10 percent of the funds made available to it under this part for each fiscal year that the school is in school improvement for the purpose of providing the school's teachers and principal high quality professional development that—

“(I) directly addresses the academic achievement problem that caused the school to be identified for school improvement; and

“(II) meets the requirements for professional development activities under section 1119;

“(iv) specify how the funds described in clause (iii) will be used to remove the school from school improvement status;

“(v) establish specific annual, numerical progress goals for each group of students specified in section 1111(b)(2)(B)(iv) enrolled in the school that will ensure that all such groups of students meet or exceed the State's proficient standard level of performance within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

“(vi) identify how the school will provide written notification to parents of each child enrolled in such school, in a format and, to the extent practicable, in a language such parents can understand; and

“(vii) specify the responsibilities of the school, the local educational agency, and the State educational agency serving such school under the plan.

“(B) The local educational agency described in subparagraph (A)(vi) may condi-

tion approval of a school plan on inclusion of 1 or more of the corrective actions specified in paragraph (10)(C).

“(C) A school shall implement the school plan or revised plan expeditiously, but not later than the beginning of the school year following the school year in which the school was identified for improvement.

“(D) The local educational agency described in subparagraph (A)(vi) shall establish a peer review process to assist with review of a school improvement plan prepared by the school served by the local educational agency, promptly review the school plan, work with the school as necessary, and approve the school plan if the school plan meets the requirements of this paragraph.

“(9) TECHNICAL ASSISTANCE.—(A) For each school identified for school improvement under paragraph (1), the local educational agency serving the school shall provide technical assistance as the school develops and implements its school plan.

“(B) Such technical assistance—

“(i) shall include assistance in analyzing data from the assessments required under section 1111(b)(4), and other samples of student work, to identify and address instructional problems and solutions;

“(ii) shall include assistance in identifying and implementing scientifically based instructional strategies and methods that have proven effective in addressing the specific instructional issues that caused the school to be identified for school improvement;

“(iii) shall include assistance in analyzing and revising the school's budget such that the school resources are more effectively focused on those activities most likely to increase student achievement and to remove the school from school improvement status;

“(iv) may be provided directly by the local educational agency, through mechanisms authorized under section 1117, or with the local educational agency's approval, by the State educational agency, an institution of higher education in full compliance with all the reporting provisions of title II of the Higher Education Act of 1965, a private not-for-profit organization or for-profit organization, an educational service agency, the recipient of a Federal contract or cooperative agreement as described under section 7005, or other entity with experience in helping schools improve achievement.

“(C) Technical assistance provided under this section by a local educational agency or an entity authorized by such agency shall be based upon scientifically based research.

“(10) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each local educational agency shall implement a system of corrective action in accordance with the following:

“(A) After providing technical assistance under paragraph (9) and subject to subparagraph (F), the local educational agency—

“(i) may take corrective action at any time with respect to a school served by the local educational agency that has been identified under paragraph (1);

“(ii) shall take corrective action with respect to any school served by the local educational agency that fails to make adequate yearly progress, as defined by the State under section 1111(b)(2)(B), after the end of the second year following the school year in which the school was identified under paragraph (1); and

“(iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

“(B) As used in this paragraph, the term ‘corrective action’ means action, consistent with State and local law, that—

“(i) substantially and directly responds to—

"(I) the consistent academic failure of a school that caused the local educational agency to take such action; and

"(II) any underlying staffing, curricula, or other problem in the school; and

"(ii) is designed to increase substantially the likelihood that students enrolled in the school subject to corrective action will perform at the proficient and advanced performance levels.

"(C) In the case of a school described in subparagraph (A)(ii), the local educational agency shall take not less than 1 of the following corrective actions:

"(i) Withhold funds from the school.

"(ii) Make alternative governance arrangements, including reopening the school as a public charter school.

"(iii) Reconstitute the relevant school staff.

"(iv)(I) Authorize students to transfer to other higher performing public schools served by the local educational agency, including public charter and magnet schools.

"(II) Provide such students transportation services, or the costs of transportation, to such schools (except that such funds used to provide transportation services or costs of transportation shall not exceed 10 percent of the amount authorized under section 1122(a)(2)).

"(III) Take not less than 1 additional action described under this subparagraph.

"(v) Institute and fully implement a new curriculum, including appropriate professional development for all relevant staff, that is based upon scientifically based research and offers substantial promise of improving educational achievement for low-performing students.

"(D) A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action only if the failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school.

"(E) The local educational agency shall publish and disseminate to the public and to the parents of each student enrolled in a school subject to corrective action, in a format and, to the extent practicable, in a language that the parents can understand, information regarding any corrective action the local educational agency takes under this paragraph through such means as the Internet, the media, and public agencies.

"(F)(i) Before taking corrective action with respect to any school under this paragraph, a local educational agency shall provide the school an opportunity to review the school level data, including assessment data, on which the proposed determination is made.

"(ii) If the school believes that the proposed determination is in error for statistical or other substantive reasons, the school principal may provide supporting evidence to the local educational agency, which shall consider such evidence before making a final determination.

"(G) TIME LIMITS.—Not later than 30 days after the local educational agency makes its initial determination that a school served by the local educational agency and receiving assistance under this part is eligible for corrective action, the local educational agency shall make a final and public determination on the status of the school.

"(H) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—If a State educational agency determines that a local educational agency failed to carry out its responsibilities under this section, or determines that, after 1 year of implementation of the corrective action, such action has not resulted in sufficient

progress in increased student performance, the State educational agency shall take such action as the agency finds necessary, including designating a course of corrective action described in paragraph (10)(C), consistent with this section, to improve the affected schools and to ensure that the local educational agency carries out the local educational agency's responsibilities under this section.

"(12) SPECIAL RULES.—Schools that, for at least 2 of the 3 years following identification under paragraph (I), make adequate yearly progress toward meeting the State's proficient and advanced levels of performance shall no longer be identified for school improvement."

(c) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—Section 1116(d) (20 U.S.C. 6317(d)) is amended to read as follows:

"(d) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—

"(1) IN GENERAL.—A State educational agency shall annually review the progress of each local educational agency within the State receiving funds under this part to determine whether schools served by such agencies and receiving assistance under this part are making adequate yearly progress, as defined in section 1111(b)(2), toward meeting the State's student performance standards and to determine whether each local educational agency is carrying out its responsibilities under sections 1116 and 1117.

"(2) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCY FOR IMPROVEMENT.—A State educational agency shall identify for improvement any local educational agency that—

"(A) for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan under section 1111(b)(2); or

"(B) had been identified for, or was eligible for, improvement under this section as this section was in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

"(3) TRANSITION.—The 2-year period described in paragraph (2)(A) shall include any continuous period of time immediately preceding the date of the enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act during which a local educational agency did not make adequate yearly progress as defined in the State's plan, as such plan was in effect on the day preceding the date of the enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

"(4) TARGETED ASSISTANCE SCHOOLS.—For purposes of targeted assistance schools within a local educational agency, a State educational agency may choose to review the progress of only the students in such schools who are served under this part.

"(5) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—(A) Before identifying a local educational agency for improvement under paragraph (2), a State educational agency shall provide the local educational agency with an opportunity to review the local educational agency data, including assessment data, on which the proposed identification is based.

"(B) If the local educational agency believes that the proposed identification is in error for statistical or other substantive reasons, the local educational agency may provide supporting evidence to the State educational agency, which the State educational agency shall consider before making a final determination.

"(6) TIME LIMITS.—Not later than 45 days after the State educational agency makes its initial determination that a local educational agency within the State and receiving assistance under this part is eligible for improvement, the State educational agency

shall make public a final determination on the status of the local educational agency.

"(7) NOTIFICATION TO PARENTS.—The State educational agency shall promptly notify parents of each student enrolled in a school served by a local educational agency identified for improvement, in a format, and to the extent practicable, in a language the parents can understand, of the reasons for such agency's identification and how parents can participate in upgrading the quality of the local educational agency.

"(8) LOCAL EDUCATIONAL AGENCY REVISIONS.—

"(A) IN GENERAL.—Each local educational agency identified under paragraph (2) shall, after being so identified, develop or revise a local educational agency plan, in consultation with the local school board, parents, teachers, school staff, and others, for approval by the State educational agency. Such plan shall—

"(i) incorporate scientifically based research strategies that strengthen the core academic program in the local educational agency;

"(ii) identify specific annual numerical academic achievement objectives in at least the areas of mathematics and English language arts that the local educational agency will meet, with such objectives being calculated in a manner such that their achievement will ensure that each group of students enrolled in each school served by the local educational agency will meet or exceed the proficient standard level of performance in assessments required under section 1111(b)(4) within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act; and

"(iii) assure that the local educational agency will—

"(I) reserve not less than 10 percent of the funds made available to the local educational agency under this part for each fiscal year that the agency is in improvement for the purpose of providing high quality professional development to teachers and principals at schools served by the agency and receiving funds under this part that directly address the academic achievement problem that caused the local educational agency to be identified for improvement and shall be in keeping with the definition of professional development provided in section 1119; and

"(II) the improvement plan shall specify how these funds will be used to remove the local educational agency from improvement status;

"(iv) identify how the local educational agency will provide written notification to parents described in paragraph (7) in a format, and to the extent practicable in a language, that the parents can understand, pursuant to paragraph (7);

"(v) specify the responsibilities of the State educational agency and the local educational agency under the plan; and

"(vi) include a review of the local educational agency budget to ensure that resources are focused on those activities that are most likely to improve student achievement and to remove the agency from improvement status.

"(B) PEER REVIEW.—The State educational agency shall establish a peer review process to assist with the review of the local educational agency improvement plan, promptly review the plan, work with the local educational agency as necessary, and approve the plan if the plan meets the requirements of this paragraph.

"(C) DEADLINE FOR IMPLEMENTATION.—The local educational agency shall implement the local educational agency plan or revised plan expeditiously, but not later than the beginning of the school year following the

school year in which the agency was identified for improvement.

“(D) **RESOURCES REALLOCATION.**—If the local educational agency budget fails to allocate resources, consistent with, subparagraph (A)(iv), the State educational agency may direct the local educational agency to reallocate resources to more effective activities.

“(9) **STATE EDUCATIONAL AGENCY RESPONSIBILITY.**—For each local educational agency identified under paragraph (2), the State educational agency shall provide technical or other assistance, if requested, as authorized under section 1117, to better enable the local educational agency—

“(A) to develop and implement the local educational agency plan or revised plan as approved by the State educational agency consistent with the requirements of this section; and

“(B) to work with schools served by the local educational agency that are identified for improvement.

“(10) **TECHNICAL ASSISTANCE.**—Technical assistance provided by the State educational agency—

“(A) shall include assistance in analyzing data from the assessments required under section 1111(b)(4) to identify and address instructional problems and solutions;

“(B) shall include assistance in identifying and implementing scientifically based instructional strategies and methods that have proven effective in addressing the specific instructional issues that caused the local educational agency to be identified for improvement;

“(C) shall include assistance in analyzing and revising the local educational agency's budget such that the agency's resources are more effectively focused on those activities most likely to increase student achievement and to remove the agency from improvement status; and

“(D) may be provided by—

“(i) the State educational agency; or

“(ii) with the local educational agency's approval, by an institution of higher education (in full compliance with all the reporting provisions of title II of the Higher Education Act of 1965), a private not-for-profit or for-profit organization, an educational service agency, the recipient of a Federal contract or cooperative agreement as described under section 7005, or any other entity with experience in helping schools improve achievement.

“(11) **RESOURCES REALLOCATION.**—The State educational agency may, as a condition of providing the local educational agency with technical assistance and financial support in developing and carrying out an improvement plan, require that the local educational agency reallocate resources away from ineffective or inefficient activities to activities that, through scientific research, have proven to have the greatest impact on increasing student achievement and closing the achievement gap between groups of students.

“(12) **CORRECTIVE ACTION.**—In order to help students served under this part meet challenging State standards, each State educational agency shall implement a system of corrective action in accordance with the following:

“(A) After providing technical assistance under paragraph (10), and subject to subparagraph (D), the State educational agency—

“(i) shall take corrective action with respect to any local educational agency that fails to make adequate yearly progress, as defined by the State, after the end of the second year following its identification under paragraph (2); and

“(ii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

“(B) As used in this paragraph, the term ‘corrective action’ means action, consistent with State law, that—

“(i) substantially and directly responds to—

“(I) the consistent academic failure of schools served by a local educational agency that caused the State educational agency to take such action with respect to the local educational agency; and

“(II) any underlying staffing, curricular, or other problem in the schools served by the local educational agency; and

“(ii) is designed to meet the goal of having all students served under this part perform at the proficient and advanced performance levels.

“(C) In the case of a local educational agency described in subparagraph (A)(ii), the State educational agency shall take not less than 1 of the following corrective actions:

“(i) Withhold funds from the local educational agency.

“(ii) Reconstitute the relevant local educational agency personnel.

“(iii) Remove particular schools from the area served by the local educational agency, and establish alternative arrangements for public governance and supervision of such schools.

“(iv) Appoint, through the State educational agency, a receiver or trustee to administer the affairs of the local educational agency in place of the local educational agency's superintendent and school board.

“(v) Abolish or restructure the local educational agency.

“(vi) (I) Authorize students to transfer from a school operated by the local educational agency to a higher performing public school, including a public charter or magnet school, operated by another local educational agency.

“(II) Provide students described in subclause (I) transportation services, or the costs of transportation, not to exceed 10 percent of the funds allocated to a local educational agency under this part, to such higher performing schools or public charter schools.

“(III) Take not less than 1 additional action described under this subparagraph.

“(D) Prior to implementing any corrective action, the State educational agency shall provide notice and an opportunity for a hearing to the affected local educational agency, if State law provides for such notice and opportunity.

“(E) Not later than 45 days after the State educational agency makes its initial determination that a local educational agency in the State and receiving assistance under this part is eligible for improvement, the State educational agency shall make public a final determination on the status of the local educational agency.

“(F) The State educational agency shall publish and disseminate to parents described in paragraph (7) and the public information regarding any corrective action the State educational agency takes under this paragraph through such means as the Internet, the media, and public agencies.

“(G) The State educational agency may delay, for a period not to exceed 1 year, implementation of corrective action if the local educational agency's failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or schools served by the local educational agency.”

#### **SEC. 110. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.**

Section 1117 (20 U.S.C. 6318) is amended to read as follows:

#### **“SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.**

“(a) **SYSTEM FOR SUPPORT.**—Using funds allocated under section 1003(a)(1), each State educational agency shall establish a statewide system of intensive and sustained support and improvement for local educational agencies, elementary schools, and secondary schools receiving funds under this part, in order to ensure that all groups of students specified in section 1111 and attending such schools meet or exceed the proficient standard level performance on the assessments required by section 1111(b)(4) within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

“(b) **PRIORITIES.**—In carrying out this section, a State educational agency shall—

“(1) first, provide support and assistance to local educational agencies and schools identified as in need of improvement under section 1116;

“(2) second, provide support and assistance to local educational agencies subject to corrective action under section 1116, and assist elementary schools and secondary schools, in accordance with section 1116(c)(11), for which a local educational agency has failed to carry out its responsibilities under section 1116(c) (9) and (10); and

“(3) third, provide support and assistance to local educational agencies and schools that are at risk of being identified as being in need of improvement within the next academic year, participating under this part.

“(c) **APPROACHES.**—In order to achieve the purpose described in subsection (a), each statewide system shall provide technical assistance and support through approaches such as—

“(1) school support teams, composed of individuals who are knowledgeable about scientifically based research, teaching and learning practices, and particularly about strategies for improving educational results for low-achieving children; and

“(2) designating and using Distinguished Educators, who are chosen from schools served under this part that have been especially successful in improving academic achievement.

“(d) **FUNDS.**—Each State educational agency—

“(1) shall use funds reserved under section 1003(a)(1), but not used under section 1003(a)(2), to carry out this section; and

“(2) may use State administrative funds authorized under section 1703(c) to carry out this section.

“(e) **ALTERNATIVES.**—The State educational agency may—

“(1) devise additional approaches to providing the technical assistance and support described in subsection (c), such as providing assistance through institutions of higher education, educational service agencies, or other local consortia; and

“(2) seek approval from the Secretary to use funds under section 1003(a)(2) for such approaches as part of the State plan.”

#### **SEC. 111. PARENTAL INVOLVEMENT CHANGES.**

(a) **LOCAL EDUCATIONAL AGENCY POLICY.**—Section 1118(a) (20 U.S.C. 6319(a)) is amended—

(1) in paragraph (1), by striking “programs, activities, and procedures” and inserting “activities and procedures”;

(2) in paragraph (2), by striking subparagraphs (E) and (F) and inserting the following:

“(E) conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the schools served under this part;

“(F) involve parents in the activities of the schools served under this part; and

“(G) promote consumer friendly environments within the local educational agency and schools served under this part.”;

(3) in paragraph (3), by adding at the end the following new subparagraph:

“(C) Not less than 90 percent of the funds reserved under subparagraph (A) shall be distributed to schools served under this part.”.

(b) NOTICE.—Section 1118(b)(1) (20 U.S.C. 6319(b)(1)) is amended by inserting after the first sentence “Parents shall be notified of the policy in a format, and to the extent practicable in a language, that the parents can understand.”.

(c) PARENTAL INVOLVEMENT.—Section 1118(c)(4) (20 U.S.C. 6319(c)(4)) is amended—

(1) in subparagraph (B), by striking “school performance profiles required under section 1116(a)(3)” and inserting “school reports described under section 4401”;

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (C) the following:

“(D) notice of the school’s designation as a school in need of improvement under section 1116(b), if applicable, and a clear explanation of what such designation means;

“(E) notice of corrective action taken against the school under section 1116(c)(9) and 1116(d)(12), if applicable, and a clear explanation of what such action means.”; and

(4) in subparagraph (G) (as redesignated by paragraph (2)), by striking “subparagraph (D)” and inserting “subparagraph (F)”.

(d) BUILDING CAPACITY FOR INVOLVEMENT.—Section 1118(e) (20 U.S.C. 6319(e)) is amended—

(1) in paragraph (1), by striking “National Educational Goals,”;

(2) by redesignating paragraphs (14) and (15) as paragraphs (16) and (17), respectively;

(3) by inserting after paragraph (13) the following:

“(14) may establish a district wide parent advisory council to advise on all matters related to parental involvement in programs supported under this part.”; and

(4) by redesignating paragraph (5) as paragraph (15) and transferring such paragraph to follow paragraph 14 (as redesignated by paragraph (3));

(5) by inserting after paragraph (4) the following:

“(5) shall expand the use of electronic communications among teachers, students, and parents, such as through the use of websites and e-mail communications.”;

(6) in paragraph (8), by inserting “, to the extent practicable, in a language and format the parent can understand” before the semicolon; and

(7) in paragraph (15) (as redesignated by paragraph (4)), by striking “shall” and inserting “may”.

(e) ACCESSIBILITY.—Section 1118(f) (20 U.S.C. 6319(f)) is amended by striking “, including” and all that follows through the period and inserting “and of parents of migratory children, including providing information and school reports required under section 1111 and described in section 4401 in a language and form such parents understand.”.

#### SEC. 112. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

Title I of the Act (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating section 1119 (20 U.S.C. 6320) as section 1119A; and

(2) by inserting after section 1118 the following:

#### “SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

“(a) IN GENERAL.—

“(1) PLAN.—Each State educational agency receiving assistance under this part shall de-

velop and submit to the Secretary a plan to ensure that all teachers teaching within the State are fully qualified, as defined in section 2001(l), not later than December 31, 2005. Such plan shall include an assurance that the State educational agency will require each local educational agency and school receiving funds under this part publicly to report the annual progress with respect to the local educational agency’s and school’s performance in increasing the percentage of classes in core academic areas taught by fully qualified teachers.

“(2) SPECIAL RULE.—Notwithstanding any other provision of law, the provisions of this section governing teacher qualifications shall not supersede State laws governing public charter schools.

“(b) NEW PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that each paraprofessional hired after December 31, 2002, and working in a program assisted under this part—

“(1) has completed at least the number of courses at an institution of higher education in the area of elementary education, or in the related subject area in which the paraprofessional is working, for a minor degree at such institution;

“(2) has obtained an associate’s (or higher) degree; or

“(3) has met a rigorous standard of quality that demonstrates, through formal State certification (as established in subsection (h)),—

“(A) knowledge of, and the ability to provide tutorial assistance in, reading, writing, and mathematics; or

“(B) knowledge of, and the ability to provide tutorial assistance in, reading readiness, writing readiness, and mathematics readiness, as appropriate.

“(c) EXISTING PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that each paraprofessional working in a program assisted under this part shall, not later than 4 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, satisfy the requirements of subsection (b).

“(d) EXCEPTIONS FOR TRANSLATION AND PARENTAL INVOLVEMENT ACTIVITIES.—Subsections (b) and (c) shall not apply to a paraprofessional—

“(1) who is proficient in English and a language other than English, and who provides services primarily to enhance the participation of children in programs under this part by acting as a translator; or

“(2) whose duties consist solely of conducting parental involvement activities consistent with section 1118 or other school readiness activities that are noninstructional.

“(e) GENERAL REQUIREMENT FOR ALL PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that each paraprofessional working in a program assisted under this part, regardless of the paraprofessional’s hiring date, possesses a secondary school diploma or its recognized equivalent.

“(f) DUTIES OF PARAPROFESSIONALS.—

“(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program assisted under this part is not assigned a duty inconsistent with this subsection.

“(2) AUTHORIZED RESPONSIBILITIES.—A paraprofessional described in paragraph (1) may be assigned—

“(A) to provide 1-on-1 tutoring for eligible students under this part, if the tutoring is scheduled at a time when the student would not otherwise receive instruction from a teacher;

“(B) to assist with classroom management, such as organizing instructional and other materials;

“(C) to provide assistance in a computer laboratory;

“(D) to conduct parental involvement activities or school readiness activities that are noninstructional;

“(E) to provide support in a library or media center;

“(F) to act as a translator; or

“(G) to provide assistance with extra curricular activities which are noninstructional.

“(3) LIMITATIONS.—A paraprofessional described in paragraph (1)—

“(A) shall not perform the duties of a certified teacher or a substitute; and

“(B) shall not perform any duty assigned under paragraph (2) unless under the direct supervision of a fully qualified teacher or other appropriate professional.

“(g) USES OF FUNDS.—

“(1) PROFESSIONAL DEVELOPMENT.—Notwithstanding subsection (h)(2), a local educational agency receiving funds under this part may use such funds to support ongoing training and professional development to assist teachers and paraprofessionals in satisfying the requirements of this section.

“(2) LIMITATION ON USE OF FUNDS FOR PARAPROFESSIONALS.—

“(A) IN GENERAL.—Beginning on the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, a local educational agency may not use funds received under this part to fund any paraprofessional hired after such date unless—

“(i) the hiring is to fill a vacancy created by the departure of another paraprofessional funded under this part; or

“(ii) the local educational agency can demonstrate that a significant influx of population has substantially increased student enrollment, or demonstrate an increased need for translators or assistance with parent involvement activities.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to a local educational agency that can demonstrate to the State that all core classes taught in the schools served by the local educational agency are taught by fully qualified teachers.

“(h) STATE CERTIFICATION.—Each State educational agency receiving assistance under this part shall—

“(1) ensure that the State educational agency has in place State criteria for the certification of paraprofessionals by December 31, 2002; and

“(2) ensure that paraprofessionals hired before December 31, 2002, are in high-quality professional development activities that ensure that the paraprofessional has the ability to provide tutorial assistance in—

“(A) reading, writing, and mathematics; or

“(B) reading readiness, writing readiness, and mathematics readiness, as appropriate.

“(i) VERIFICATION OF COMPLIANCE.—

“(1) IN GENERAL.—In verifying compliance with this section, each local educational agency, at a minimum, shall require that the principal of each elementary school and secondary school operating a program under section 1114 or 1115 annually attest in writing as to whether each such school is in compliance with the requirements of this section.

“(2) AVAILABILITY OF INFORMATION.—Copies of the annual certification described in paragraph (1)—

“(A) shall be maintained at each elementary school and secondary school operating a program under section 1114 or 1115 and at the main office of the local educational agency; and

“(B) shall be available to any member of the general public upon request.”.



**SEC. 113. PROFESSIONAL DEVELOPMENT.**

Section 1119A (as redesignated by section 112(a)) is amended—

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

“(a) **PURPOSE.**—The purpose of this section is to assist each local educational agency receiving assistance under this part in increasing the academic achievement of eligible children (as identified under section 1115(b)(1)(B)) (in this section referred to as eligible children) through improved teacher quality.”;

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

“(1) **REQUIRED ACTIVITIES.**—Each local educational agency receiving assistance under this part shall provide professional development activities under this section that shall—

“(A) give teachers, principals, and administrators the knowledge and skills to provide eligible children with the opportunity to meet challenging State or local content standards and student performance standards;

“(B) support the recruiting, hiring, and training of fully qualified teachers, including teachers fully qualified through State and local alternative routes;

“(C) advance teacher understanding of effective instructional strategies, based on scientifically based research, for improving eligible children achievement, at a minimum, in mathematics, science, and English language arts;

“(D) be directly related to the curricula and content areas in which the teacher provides instruction;

“(E) be designed to enhance the ability of a teacher to understand and use the State's standards for the subject area in which the teacher provides instruction;

“(F) be tied to scientifically based research that demonstrates the effectiveness of such professional development activities or programs in increasing eligible children achievement or substantially increasing the knowledge and teaching skills of teachers;

“(G) be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher's performance in the classroom, except that this subparagraph shall not apply to an activity if such activity is one component of a long-term comprehensive professional development plan established by the teacher and the teacher's supervisor based upon an assessment of their needs, their eligible children's needs, and the needs of the local educational agency;

“(H) be developed with extensive participation of teachers, principals, parents, administrators of schools, and local school boards of schools to be served under this part;

“(I) to the extent appropriate, provide training for teachers in the use of technology so that technology and its applications are effectively used in the classroom to improve teaching and learning in the curricula and academic content areas in which the teachers provide instruction;

“(J) as a whole, be regularly evaluated for such activities' impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional development; and

“(K) include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices.”;

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting “and data to inform and instruct classroom practice” before the semicolon;

(ii) by striking subparagraphs (D) and (G);

(iii) by redesignating subparagraphs (E), (F), (H), and (I), as subparagraphs (D), (E), (F) and (G), respectively; and

(iv) by inserting after subparagraph (G) (as redesignated by clause (iii)) the following new subparagraph:

“(H) instruction in the ways that teachers, principals, and guidance counselors can work with parents and students from groups, such as females and minorities, that are underrepresented in careers in mathematics, science, engineering, and technology, to encourage and maintain the interest of such students in those careers.”;

(3) by striking subsections (f) through (i); and

(4) by adding after subsection (e) the following:

“(f) **CONSOLIDATION OF FUNDS.**—Funds provided under this part that are used for professional development purposes may be consolidated with funds provided under title II of this Act and other sources.

“(g) **DEFINITION.**—The term ‘fully qualified’ has the same meaning given such term in section 2001(1).

“(h) **SPECIAL RULE.**—

“(1) **IN GENERAL.**—No State educational agency shall require a local educational agency or elementary school or secondary school to expend a specific amount of funds for professional development activities under this part.

“(2) **EXCEPTION.**—Paragraph (1) shall not apply with respect to requirements under section 1116(d)(9).”.

**SEC. 114. FISCAL REQUIREMENTS.**

Section 1120A(a) (20 U.S.C. 6322(a)) is amended by striking “section 14501” and inserting “section 8501”.

**SEC. 115. COORDINATION REQUIREMENTS.**

Section 1120B (20 U.S.C. 6323) is amended—

(1) in subsection (a), by striking “to the extent feasible” and all that follows through the period and inserting “in coordination with local Head Start agencies, and if feasible, other early childhood development programs.”;

(2) in subsection (b)—

(A) in paragraph (3) by striking “and” after the semicolon;

(B) in paragraph (4) by striking the period and inserting “; and”; and

(C) by adding at the end, the following:

“(5) linking the educational services provided in such local educational agency with the services provided in local Head Start agencies.”.

**SEC. 115A. LIMITATIONS ON FUNDS.**

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by inserting after section 1120B (20 U.S.C. 6321) the following:

**“SEC. 1120C. LIMITATIONS ON FUNDS.**

“(a) **IN GENERAL.**—Notwithstanding any other provision of this Act, a local educational agency shall use funds received under this subpart only to provide instruction to students, and for services directly related to instruction, in preschool through grade 12 to assist eligible children to improve their academic achievement and to meet achievement standards established by the State.

“(b) **PERMISSIBLE AND PROHIBITED ACTIVITIES.**—In this subpart, the term ‘academic instruction’—

“(1) includes—

“(A) the employment of teachers and other instructional personnel, including providing teachers and instructional personnel with employee benefits;

“(B) the extension of academic instruction beyond the normal school day and year, including summer school;

“(C) the provision of instructional services to pre-kindergarten children to prepare such children for the transition to kindergarten;

“(D) the purchase of instructional resources, such as books, materials, computers, and other instructional equipment and wiring to support instructional equipment;

“(E) the development and administration of curriculum, educational materials, and assessments;

“(F) the implementation of—

“(i) instructional interventions in schools in need of improvement; and

“(ii) corrective actions to improve student achievement; and

“(G) the transportation of students to assist them in improving academic achievement, except that not more than 10 percent of the funds made available under this subpart to a local educational agency shall be used to carry out this subparagraph;

“(2) but does not include—

“(A) the purchase or provision of janitorial services and utility costs;

“(B) the construction or operation of facilities;

“(C) the acquisition of real property;

“(D) costs for food and refreshments; or

“(E) the purchase or lease of vehicles.”.

**SEC. 116. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.**

Section 1121 (20 U.S.C. 6331) is amended to read as follows:

**“SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.**

“(a) **RESERVATION OF FUNDS.**—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

“(1) the outlying areas in the amount determined in accordance with subsection (b); and

“(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (d).

“(b) **ASSISTANCE TO OUTLYING AREAS.**—

“(1) **GRANTS AUTHORIZED.**—From the amount made available for a fiscal year under subsection (a), the Secretary shall award grants to the outlying areas and freely associated States to carry out the purposes of this part.

“(2) **COMPETITIVE GRANTS.**—For each of fiscal years 2000 and 2001, the Secretary shall ensure that grants are awarded under this subsection on a competitive basis in accordance with paragraph (3).

“(3) **REQUIREMENTS AND LIMITATION FOR COMPETITIVE GRANTS.**—

“(A) **RECOMMENDATIONS.**—The Secretary shall award grants under this subsection on the basis of the recommendations of the Pacific Region Educational Laboratory in Honolulu, Hawaii.

“(B) **TERMINATION OF ELIGIBILITY.**—Notwithstanding any other provision of law, the freely associated States shall not be eligible to receive funds under this part after September 30, 2001.

“(C) **ADMINISTRATIVE COSTS.**—The Secretary may provide that not more than 5 percent of the amount reserved for grants under this subsection will be used to pay the administrative costs of the Pacific Region Educational Laboratory for services provided under subparagraph (A).

“(4) **SPECIAL RULE.**—The provisions of Public Law 95-134 (91 Stat. 1159) that permit the consolidation of grants by the outlying areas shall not apply to funds provided to the freely associated States under this subsection.

“(5) **FUNDING.**—The amount reserved by the Secretary to award grants under this subsection shall not exceed the amount reserved under this section (as this section existed on the day prior to the date of enactment of the

Public Education Reinvestment, Reinvestment, and Responsibility Act) for the freely associated States for fiscal year 1999.

“(6) DEFINITIONS.—In this subsection and subsection (a):

“(A) FREELY ASSOCIATED STATES.—The term ‘freely associated States’ means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“(B) OUTLYING AREA.—The term ‘outlying area’ means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(C) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

“(1) IN GENERAL.—The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

“(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

“(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

“(2) PAYMENTS.—From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

“(A) 40 percent of the average per pupil expenditure in the State in which the agency is located; or

“(B) 48 percent of such expenditure in the United States.”.

#### SEC. 117. AMOUNTS FOR GRANTS.

Section 1122 (20 U.S.C. 6332) is amended to read as follows:

#### “SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRATION GRANTS, AND TARGETED GRANTS.

“(a) ALLOCATION FORMULA.—

“(1) ALLOCATION TO STATES.—Of the amount appropriated to carry out this part for each of fiscal years 2001 through 2005 (each such year, as appropriate, shall be referred to in this subsection as the ‘current fiscal year’), the amount to be allocated to States for a fiscal year based on population data for local educational agencies in such States, shall be equal to the sum of—

“(A) an amount equal to the sum of—

“(i) the amount made available to carry out section 1124 (as such section existed on the day prior to the date of enactment of the Public Education Reinvestment, Reinvestment, and Responsibility Act) for fiscal year 1999; and

“(ii) 21.25 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section (as such section existed on the day prior to the date of enactment of the Public Education Reinvestment, Reinvestment, and Responsibility Act) for fiscal year 1999, to be allocated in accordance with section 1124;

“(B) an amount equal to the sum of—

“(i) the amount made available to carry out section 1124A (as such section existed on the day prior to the date of enactment of the Public Education Reinvestment, Reinvestment, and Responsibility Act) for fiscal year 1999; and

“(ii) 3.75 percent of the amount, if any, by which the amount appropriated under sec-

tion 1002(a) for the current fiscal year exceeds the amount appropriated under such section (as such section existed on the day prior to the date of enactment of the Public Education Reinvestment, Reinvestment, and Responsibility Act) for fiscal year 1999, to be allocated in accordance with section 1124A; and

“(C) an amount equal to 75 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section (as such section existed on the day prior to the date of enactment of the Public Education Reinvestment, Reinvestment, and Responsibility Act) for fiscal year 1999, to be allocated in accordance with section 1125.

“(2) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—Of the total amounts allocated to a State under this part for each of fiscal years 2001 and 2002, 96.5 percent shall be allocated by the State educational agency to local educational agencies, and for each of fiscal years 2003 through 2005, 95.5 percent shall be allocated to local educational agencies, of which—

“(A) 75 percent shall be allocated in accordance with section 1125;

“(B) 21.25 percent shall be allocated in accordance with section 1124; and

“(C) 3.75 percent shall be allocated in accordance with section 1124A.

“(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

“(1) IN GENERAL.—If the sums available under this part for any fiscal year are insufficient to pay the full amounts that all States and local educational agencies are eligible to receive under sections 1124, 1124A, and 1125 for such fiscal year, the Secretary shall ratably reduce the allocations to such States and local educational agencies, subject to subsections (c) and (d).

“(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

“(c) HOLD-HARMLESS AMOUNTS.—

“(1) GRANTS TO STATES.—The total amount allocated to each State under this part in each fiscal year shall not be less than the amount allocated to each State in the preceding fiscal year.

“(2) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—The total amount allocated to each local educational agency under this part in each fiscal year shall not be less than an amount equal to 85 percent of the amount allocated to each local educational agency in the preceding fiscal year.

“(d) RATABLE REDUCTIONS.—

“(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (c) for such year, the Secretary shall ratably reduce such amounts for such year.

“(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under subsection (c) for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts were reduced.

“(e) DEFINITION.—For the purpose of this section and sections 1124, 1124A, and 1125, the term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.”.

#### SEC. 118. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

Section 1124 (20 U.S.C. 6333) is amended to read as follows:

#### “SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) AMOUNT OF GRANTS.—

“(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.—Except as provided in paragraph (3) and in section 1126, the amount of a grant that a local educational agency is eligible to receive under this section for a fiscal year shall be determined by multiplying—

“(A) the number of children counted under subsection (c); and

“(B) 40 percent of the average per-pupil expenditure in the State involved, except that the amount determined under this subparagraph shall not be less than 32 percent or more than 48 percent, of the average per-pupil expenditure in the United States.

“(2) CALCULATION OF GRANTS.—

“(A) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—The Secretary shall calculate the amount of grants under this section on the basis of the number of children counted under subsection (c) for local educational agencies. For purposes of this subparagraph, the Secretary and the Secretary of Commerce shall publicly disclose the reasoning for their determinations under subsection (c) in detail.

“(B) ALLOCATIONS TO LARGE AND SMALL LOCAL EDUCATIONAL AGENCIES.—

“(i) APPLICATION OF PROVISION.—The Secretary shall determine the amount of grant awards under this section for each large or small local educational agency.

“(ii) LARGE AGENCIES.—The amount of a grant awarded under this section for each large local educational agency shall be the amount determined by the Secretary under clause (i).

“(iii) SMALL AGENCIES.—With respect to the amount of a grant awarded under this section to a small local educational agency, the State educational agency may—

“(I) provide such grant in an amount determined by the Secretary under clause (i); or

“(II) use an alternative method approved by the Secretary to distribute the portion of the State’s total grants under this section that is based on the number of small local educational agencies.

“(iv) ALTERNATIVE METHOD.—An alternative method approved under clause (iii)(II) shall be based on population data that the State educational agency determines best reflects the current distribution of children in poor families among the State’s small local educational agencies that meet the eligibility criteria of subsection (b).

“(v) APPEALS.—A small local educational agency that is dissatisfied with the determination of its grant amount by the State educational agency under clause (iii)(II), may appeal that determination to the Secretary, who shall respond not later than 45 days after receipt of such appeal.

“(vi) DEFINITION.—In this subparagraph:

“(I) LARGE LOCAL EDUCATIONAL AGENCY.—The term ‘large local educational agency’ means a local educational agency serving an area with a total population of 20,000 or more.

“(II) SMALL LOCAL EDUCATIONAL AGENCY.—The term ‘small local educational agency’ means a local educational agency serving an area with a total population of less than 20,000.

“(3) PUERTO RICO.—

“(A) IN GENERAL.—For each fiscal year, the amount of the grant that the Commonwealth of Puerto Rico shall be eligible to receive under this section shall be determined by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

“(i) the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States; and

“(ii) 32 percent of the average per pupil expenditure in the United States.

“(B) MINIMUM PERCENTAGE.—The percentage in subparagraph (A)(i) shall not be less than—

- “(i) for fiscal year 2000, 75.0 percent;
- “(ii) for fiscal year 2001, 77.5 percent;
- “(iii) for fiscal year 2002, 80.0 percent;
- “(iv) for fiscal year 2003, 82.5 percent; and
- “(v) for fiscal year 2004, and succeeding fiscal years, 85.0 percent.

“(C) LIMITATION.—If the application of subparagraph (B) would result in any of the 50 States or the District of Columbia receiving less under this part than the State or District received under this part for the preceding fiscal year, the percentage shall be the greater of the percentage described in subparagraph (A)(i) or the percentage used for the preceding fiscal year.

“(4) DEFINITION.—In this subsection, the term ‘State’ does not include Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

“(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—A local educational agency shall be eligible for a basic grant under this section for any fiscal year only if—

“(1) there are 10 or more children counted under subsection (c) with respect to that agency; and

“(2) such children make up more than 2 percent of the total school-age population in the agency’s jurisdiction.

“(c) CHILDREN TO BE COUNTED.—

“(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—

“(A) the number of children ages 5 to 17, inclusive, in the school district of the local educational agency involved from families below the poverty level as determined under paragraph (2); and

“(B) the number of children (determined under paragraph (4) for either the preceding year as described in that paragraph, or for the second preceding year, as the Secretary finds appropriate) ages 5 to 17, inclusive, in the school district of the local educational agency involved in institutions for neglected and delinquent children (other than such institutions operated by the United States), but not counted pursuant to subpart 1 of part D for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

“(2) DETERMINATION OF NUMBER OF CHILDREN.—

“(A) NUMBER OF CHILDREN BELOW THE POVERTY LEVEL.—For purposes of this subsection, the Secretary shall determine the number of children ages 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), that is available from the Department of Commerce.

“(B) SPECIAL RULES.—

“(i) DISTRICT OF COLUMBIA AND PUERTO RICO.—The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies for purposes of this paragraph.

“(ii) MULTIPLE COUNTIES.—If a local educational agency contains 2 or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such local educational agency and the local educational agency shall distribute to schools in each county within such agency a share of the local educational agency’s total grant in an amount that is not less than the county’s share of the population counts used to calculate the local educational agency’s grant.

“(3) POPULATION UPDATES.—

“(A) IN GENERAL.—In fiscal year 2001, and every 2 years thereafter, the Secretary shall

use updated data on the number of children, ages 5 to 17, inclusive, from families below the poverty level for local educational agencies or counties, as published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that the use of the updated population data would be inappropriate or unreliable.

“(B) CRITERIA OF POVERTY.—In determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

“(C) INAPPROPRIATE OR UNRELIABLE DATA.—If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in subparagraph (A) are inappropriate or unreliable, the Secretaries shall publicly disclose the reasons for such determination.

“(4) OTHER CHILDREN TO BE COUNTED.—

“(A) IN GENERAL.—For the purposes of this section, the Secretary shall—

“(i) determine the number of children ages 5 to 17, inclusive, from families above the poverty line on the basis of the number of such children from families receiving an annual income in excess of the annual income current criteria of poverty for payments under a State program funded under part A of title IV of the Social Security Act; and

“(ii) in making a determination under clause (i), utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

“(B) CASELOAD DATA.—The Secretary shall determine the number of children described in subparagraph (A) and the number of children ages 5 to 17, inclusive, living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the year preceding the fiscal year for which the determination is being made (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary’s determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. For the purpose of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

“(C) COLLECTION AND TRANSMISSION OF DATA.—The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year.

“(5) ESTIMATE.—When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level in each school district, and the Secretary may pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information.

“(d) STATE MINIMUM.—Notwithstanding section 1122, the aggregate amount allotted for all local educational agencies within a State may not be less than the lesser of—

“(1) 0.25 percent of total amount of grants awarded under this section; or

“(2) the average of—

“(A) one-quarter of 1 percent of the total amount available for such fiscal year under this section; and

“(B) the number of children in such State counted under subsection (c) in the fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.”.

#### SEC. 1119. CONCENTRATION GRANTS.

Section 1124A (20 U.S.C. 6334.) is amended to read as follows:

#### “SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

“(1) ELIGIBILITY.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, each local educational agency in a State other than Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, that is eligible for a grant under section 1124 for any fiscal year shall be eligible for an additional grant under this section for that fiscal year if the number of children counted under section 1124(c) with respect to the agency exceeds—

“(i) 6,500; or

“(ii) 15 percent of the total number of children ages 5 through 17, inclusive, in the agency.

“(B) MINIMUM AMOUNT.—Notwithstanding section 1122, no State described in subparagraph (A) shall receive an amount under this section that is less than the lesser of—

“(i) 0.25 percent of the total amount of grants awarded under this section; or

“(ii) the average of—

“(I) one-quarter of 1 percent of the amounts made available to carry out this section for such fiscal year; and

“(II) the greater of—

“(aa) \$340,000; or

“(bb) the number of children in such State counted for purposes of this section in that fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.

“(2) SPECIAL RULE.—For each local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

“(A) the number of children counted under section 1124(c) for that fiscal year; and

“(B) the quotient resulting from the division of the amount determined for those agencies under section 1124(a)(1) for the fiscal year for which the determination is being made divided by the total number of children counted under section 1124(c) for that agency for that fiscal year.

“(3) AMOUNT.—The amount of an additional grant for which an eligible local educational agency is eligible under this section for any fiscal year shall be an amount that bears the same ratio to the amount available to carry out this section for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such product for all local educational agencies in the United States for that fiscal year.

“(4) LOCAL ALLOCATIONS.—Grant amounts under this section shall be determined in accordance with section 1124(a)(2) and (3).

“(b) STATES RECEIVING MINIMUM GRANTS.—With respect to a State that receives a grant

for the minimum amount under subsection (a)(1)(B), the State educational agency shall allocate such amount among the local educational agencies in each State either—

“(1) in accordance with paragraphs (2) and (4) of subsection (a); or

“(2) based on their respective concentrations and numbers of children counted under section 1124(c), except that only those local educational agencies with concentrations or numbers of children counted under section 1124(c) that exceed the statewide average percentage of such children or the statewide average number of such children shall receive any funds on the basis of this paragraph.”.

#### SEC. 120. TARGETED GRANTS.

Section 1125 (20 U.S.C 6335) is amended to read as follows:

#### “SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency in a State shall be eligible to receive a targeted grant under this section for any fiscal year if the number of children in the local educational agency counted under subsection 1124(c), before the application of the weighting factor described in subsection (c), is at least 10, and if the number of children counted for grants under section 1124 is at least 5 percent of the total population age 5 to 17 years, inclusive, in the local educational agency.

“(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—

“(1) IN GENERAL.—The amount of a grant that a local educational agency in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be equal to the product of—

“(A) the weighted child count determined under subsection (c); and

“(B) the amount determined under section 1124(a)(1)(B).

“(2) PUERTO RICO.—For each fiscal year, the amount of the grant for which the Commonwealth of Puerto Rico is eligible to receive under this section shall be equal to the number of children counted under subsection (c) for Puerto Rico, multiplied by the amount determined under section 1124(a)(4).

“(c) WEIGHTED CHILD COUNT.—

“(1) IN GENERAL.—For each fiscal year, the weighted child count used to determine a local educational agency's grant under this section shall be equal to the sum of—

“(A) the number of children determined under section 1124(c) for that local educational agency constituting up to 14.265 percent, inclusive, of the agency's total population ages 5 to 17, inclusive, multiplied by 1.0;

“(B) the number of such children constituting more than 14.265 percent, but not more than 21.553 percent, of such population, multiplied by 1.75;

“(C) the number of such children constituting more than 21.553 percent, but not more than 29.223 percent, of such population, multiplied by 2.5;

“(D) the number of such children constituting more than 29.223 percent, but not more than 36.538 percent, of such population, multiplied by 3.25; and

“(E) the number of such children constituting more than 36.538 percent of such population, multiplied by 4.0.

“(2) PUERTO RICO.—Notwithstanding subparagraph (A), the weighted child count for Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

“(d) CALCULATION OF GRANT AMOUNTS.—Grants under this section shall be calculated in accordance with section 1124(a)(2) and (3).

“(e) STATE MINIMUM.—Notwithstanding any other provision of this section or section 1122, from the total amount made available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

“(1) 0.25 percent of the total amount of grants awarded under this section; or

“(2) the average of—

“(A) one-quarter of 1 percent of the total amount available for such fiscal year to carry out this section; and

“(B) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State's total number of children described in section 1124(c), without application of a weighting factor.”.

#### SEC. 121. SPECIAL ALLOCATION PROCEDURES.

Section 1126 (20 U.S.C. 6337) is amended to read as follows:

#### “SEC. 1126. SPECIAL ALLOCATION PROCEDURES.

“(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

“(1) IN GENERAL.—If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected children as described in subparagraph (B) of section 1124(c)(1), the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

“(2) SPECIAL RULE.—If the State educational agency does not assume the responsibility described in paragraph (1), any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

“(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 among the affected local educational agencies—

“(1) if 2 or more local educational agencies serve, in whole or in part, the same geographical area;

“(2) if a local educational agency provides free public education for children who reside in the school district of another local educational agency; or

“(3) to reflect the merger, creation, or change of boundaries of 1 or more local educational agencies.

“(c) REALLOCATION.—If a State educational agency determines that the amount of a grant that a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.”.

#### PART B—EVEN START FAMILY LITERACY PROGRAMS

##### SEC. 131. PROGRAM AUTHORIZED.

Section 1202(c) (20 U.S.C. 6362(c)) is amended—

(1) in paragraph (1), by striking “section 2260(b)(3)” and inserting “section 7004(c)”;

(2) by striking paragraph (2)(C); and

(3) in paragraph (3)—

(A) by striking “is defined” and inserting “was defined”; and

(B) by inserting “as such section was in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act” after “2252”.

#### SEC. 132. APPLICATIONS.

Section 1207(c)(1)(F) (20 U.S.C. 6367(c)(1)(F)) is amended by striking “the Goals 2000” and all that follows through the period and inserting “or other Acts, as appropriate, consistent with section 8305.”.

#### SEC. 133. RESEARCH.

Section 1211(b) (20 U.S.C. 6396b(b)) is amended to read as follows:

“(b) DISSEMINATION.—The Secretary shall disseminate, or designate another entity to disseminate, the results of the research described in subsection (a) to States and recipients of subgrants under this part.”.

#### PART C—EDUCATION OF MIGRATORY CHILDREN

##### SEC. 141. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.

Section 1306(a)(1) (20 U.S.C. 6369(a)(1)) is amended—

(1) in subparagraph (A), by striking “the Goals 2000” and all that follows through the period and inserting “or other Acts, as appropriate, consistent with section 8305.”;

(2) in subparagraph (B), by striking “section 14302” and inserting “section 8302”; and

(3) in subparagraph (F), by striking “bilingual education” and all that follows and inserting “language instruction programs under title III; and”.

#### PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT

##### SEC. 151. STATE PLAN AND STATE AGENCY APPLICATIONS.

Section 1414 (20 U.S.C. 6434) is amended—

(1) in subsection (a)(1), by striking “the Goals 2000” and all that follows through the period and inserting “or other Acts, as appropriate, consistent with section 8305.”; and

(2) in subsection (c)—

(A) in paragraph (6), by striking “section 14701” and inserting “section 8701”; and

(B) in paragraph (7), by striking “section 14501” and inserting “section 8501”.

#### SEC. 152. USE OF FUNDS.

Section 1415(a)(2)(D) (20 U.S.C. 6435(a)(2)(D)) is amended by striking “section 14701” and inserting “section 8701”.

#### PART E—FEDERAL EVALUATIONS, DEMONSTRATIONS, AND TRANSITION PROJECTS

##### SEC. 161. EVALUATIONS.

Section 1501 (20 U.S.C. 6491) is amended—

(1) in subsection (a)(4)—

(A) by striking “January 1, 1996” and inserting “January 1, 2002”; and

(B) by striking “January 1, 1999” and inserting “January 1, 2005”;

(2) in subsection (b)(1), by striking “December 31, 1997” and inserting “December 31, 2003”; and

(3) in subsection (e)(2), by striking “December 31, 1996” and inserting “December 31, 2002”.

##### SEC. 162. DEMONSTRATIONS OF INNOVATIVE PRACTICES.

Section 1502 (20 U.S.C. 6492) is amended to read as follows:

#### “SEC. 1502. COMPREHENSIVE SCHOOL REFORM.

“(a) FINDINGS AND PURPOSE.—

“(1) FINDINGS.—Congress finds the following:

“(A) A number of schools across the country have shown impressive gains in student performance through the use of comprehensive models for schoolwide change that incorporate virtually all aspects of school operations.

“(B) No single comprehensive school reform model may be suitable for every school, however, schools should be encouraged to examine successful, externally developed comprehensive school reform approaches as they undertake comprehensive school reform.

“(C) Comprehensive school reform is an important means by which children are assisted in meeting challenging State student performance standards.

“(2) PURPOSE.—The purpose of this section is to provide financial incentives for schools to develop comprehensive school reforms, based upon scientifically based research and effective practices that include an emphasis on basic academics and parental involvement so that all children can meet challenging State content and performance standards.

“(b) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary is authorized to provide grants to State educational agencies to provide subgrants to local educational agencies to carry out the purpose described in subsection (a)(2).

“(2) ALLOCATION.—

“(A) RESERVATION.—Of the amount appropriated under this section, the Secretary may reserve—

“(i) not more than 1 percent for schools supported by the Bureau of Indian Affairs and in the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

“(ii) not more than 1 percent to conduct national evaluation activities described under subsection (e).

“(B) IN GENERAL.—Of the amount of funds remaining after the reservation under subparagraph (A), the Secretary shall allocate to each State for a fiscal year, an amount that bears the same ratio to the amount appropriated for that fiscal year as the amount made available under section 1124 to the State for the preceding fiscal year bears to the total amount allocated under section 1124 to all States for that year.

“(C) REALLOCATION.—If a State does not apply for funds under this section, the Secretary shall reallocate such funds to other States that do apply in proportion to the amount allocated to such States under subparagraph (B).

“(c) STATE AWARDS.—

“(1) STATE APPLICATION.—

“(A) IN GENERAL.—Each State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner and containing such other information as the Secretary may reasonably require.

“(B) CONTENTS.—Each State application shall also describe—

“(i) the process and selection criteria by which the State educational agency, using expert review, will select local educational agencies to receive subgrants under this section;

“(ii) how the agency will ensure that only comprehensive school reforms that are based on scientifically based research receive funds under this section;

“(iii) how the agency will disseminate materials regarding information on comprehensive school reforms that are based on scientifically based research;

“(iv) how the agency will evaluate the implementation of such reforms and measure the extent to which the reforms resulted in increased student academic performance; and

“(v) how the agency will provide, upon request, technical assistance to the local educational agency in evaluating, developing, and implementing comprehensive school reform.

“(2) USES OF FUNDS.—

“(A) IN GENERAL.—Except as provided in subparagraph (E), a State educational agency that receives an award under this section shall use such funds to provide competitive grants to local educational agencies receiving funds under part A.

“(B) GRANT REQUIREMENTS.—A grant to a local educational agency shall be—

“(i) of sufficient size and scope to support the initial costs for the particular comprehensive school reform plan selected or designed by each school identified in the application of the local educational agency;

“(ii) in an amount not less than \$50,000 to each participating school; and

“(iii) renewable for two additional 1-year periods after the initial 1-year grant is made if schools are making substantial progress in the implementation of their reforms.

“(C) PRIORITY.—The State, in awarding grants under this paragraph, shall give priority to local educational agencies that—

“(i) plan to use the funds in schools identified as being in need of improvement or corrective action under section 1116(c); and

“(ii) demonstrate a commitment to assist schools with budget allocation, professional development, and other strategies necessary to ensure the comprehensive school reforms are properly implemented and are sustained in the future.

“(D) GRANT CONSIDERATION.—In making subgrant awards under this part, the State educational agency shall take into account the equitable distribution of awards to different geographic regions within the State, including urban and rural areas, and to schools serving elementary and secondary students.

“(E) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant award under this section may reserve not more than 5 percent of such award for administrative, evaluation, and technical assistance expenses.

“(F) SUPPLEMENT.—Funds made available under this section shall be used to supplement, not supplant, any other Federal, State, or local funds that would otherwise be available to carry out this section.

“(3) REPORTING.—Each State educational agency that receives an award under this section shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools selected to receive subgrant awards under this section, the amount of such award, and a description of the comprehensive school reform model selected and in use.

“(d) LOCAL AWARDS.—

“(1) IN GENERAL.—Each local educational agency that applies for a subgrant under this section shall—

“(A) identify which schools eligible for funds under part A plan to implement a comprehensive school reform program, including the projected costs of such a program;

“(B) describe the scientifically based comprehensive school reforms that such schools will implement;

“(C) describe how the agency will provide technical assistance and support for the effective implementation of the scientifically based school reforms selected by such schools; and

“(D) describe how the agency will evaluate the implementation of such reforms and measure the results achieved in improving student academic performance.

“(2) COMPONENTS OF THE PROGRAM.—A local educational agency that receives a subgrant award under this section shall provide such funds to schools that implement a comprehensive school reform program that—

“(A) employs innovative strategies and proven methods for student learning, teaching, and school management that are based on scientifically based research and effective practices and have been replicated successfully in schools with diverse characteristics;

“(B) integrates a comprehensive design for effective school functioning, including instruction, assessment, classroom manage-

ment, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, professional development into a comprehensive reform plan for schoolwide change designed to enable all students to meet challenging State content and challenging student performance standards and addresses needs identified through a school needs assessment;

“(C) provides high-quality and continuous teacher and staff professional development;

“(D) includes measurable goals for student performance and benchmarks for meeting such goals;

“(E) is supported by teachers, principals, administrators, and other professional staff;

“(F) provides for the meaningful involvement of parents and the local community in planning and implementing school improvement activities;

“(G) uses high quality external technical support and assistance from an entity, which may be an institution of higher education, with experience and expertise in schoolwide reform and improvement;

“(H) includes a plan for the evaluation of the implementation of school reforms and the student results achieved; and

“(I) identifies how other resources, including Federal, State, local, and private resources, available to the school will be used to coordinate services to support and sustain the school reform effort.

“(3) SPECIAL RULE.—A school that receives funds to develop a comprehensive school reform program shall not be limited to using the approaches identified or developed by the Department of Education, but may develop its own comprehensive school reform programs for schoolwide change that comply with paragraph (2).

“(e) EVALUATION AND REPORT.—

“(1) IN GENERAL.—The Secretary shall develop a plan for a national evaluation of the programs developed pursuant to this section.

“(2) EVALUATION.—This national evaluation shall evaluate the implementation and results achieved by schools after 3 years of implementing comprehensive school reforms, and assess the effectiveness of comprehensive school reforms in schools with diverse characteristics.

“(3) REPORTS.—Prior to the completion of a national evaluation, the Secretary shall submit an interim report outlining first year implementation activities to the Committees on Education and the Workforce and Appropriations of the House of Representatives and the Committees on Health, Education, Labor, and Pensions and Appropriations of the Senate.

“(f) DEFINITION.—The term ‘scientifically based research’—

“(1) means the application of rigorous, systematic, and objective procedures in the development of comprehensive school reform models; and

“(2) shall include research that—

“(A) employs systematic, empirical methods that draw on observation or experiment;

“(B) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

“(C) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

“(D) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

“(g) AUTHORIZATION OF APPROPRIATIONS.—Funds appropriated for any fiscal year under section 1002(f) shall be used for carrying out the activities under this section.”.

# **PART F—RURAL EDUCATION DEVELOPMENT INITIATIVE**

## **SEC. 171. RURAL EDUCATION DEVELOPMENT INITIATIVE.**

Title I (20 U.S.C. 6301 et seq.) is amended—  
(1) by redesignating part F (20 U.S.C. 6511 et seq.) as part G;

(2) by redesignating sections 1601 through 1604 (20 U.S.C. 6511, 6514) as sections 1701 through 1704, respectively, and by redesignating accordingly the references to such sections in part G (as so redesignated); and

(3) by inserting after part E (20 U.S.C. 6491 et seq.) the following:

### **“PART F—RURAL EDUCATION DEVELOPMENT INITIATIVE**

#### **“SEC. 1601. FINDINGS.**

“Congress makes the following findings:

“(1) The National Center for Educational Statistics reports that 46 percent of our Nation’s public elementary schools and secondary schools serve rural areas.

“(2) While there are rural education initiatives identified at the State and local level, no Federal education policy focuses on the specific and unique needs of rural school districts and schools, especially those that serve poor students.

“(3) A critical problem for rural school districts involves the hiring and retention of qualified administrators and certified teachers, especially in science and mathematics. Consequently, teachers in rural schools are almost twice as likely to provide instruction in 3 or more subject areas than teachers in urban schools. Rural schools also face other tough challenges, such as shrinking local tax bases, high transportation costs, aging buildings, limited course offerings, and limited resources.

“(4) Data from the National Assessment of Educational Progress (NAEP) consistently shows large gaps between the achievement of students in high poverty schools and those in other schools. High-poverty schools will face special challenges in preparing their students to reach high standards of performance on State and national assessments.

#### **“SEC. 1602. DEFINITIONS.**

“In this part:

“(1) **ELIGIBLE LOCAL EDUCATIONAL AGENCY.**—The term ‘eligible local educational agency’ means a local educational agency that serves—

“(A) a school-age population, not less than 15 percent of which consists of students from families with incomes below the poverty line; and

“(B)(i) a rural locality; or

“(ii) a school-age population of not more than 800 students.

“(2) **METROPOLITAN AREA.**—The term ‘metropolitan area’ means an area defined as such by the Secretary of Commerce.

“(3) **POVERTY LINE.**—The term ‘poverty line’ means 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.

“(4) **RURAL LOCALITY.**—The term ‘rural locality’ means a locality that is not within a metropolitan area.

“(5) **STATE.**—The term ‘State’ means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(6) **SCHOOL AGE POPULATION.**—The term ‘school age population’ means the number of students aged 5 through 17.

#### **“SEC. 1603. PROGRAM AUTHORIZED.**

“(a) **GRANTS AUTHORIZED.**—The Secretary shall award grants, from allotments under subsection (b)(2), to each State having an application approved under section 1604 to en-

able the State educational agency to award grants to eligible local educational agencies to carry out local authorized activities described in section 1605(b).

“(b) **RESERVATION AND ALLOTMENTS.**—

“(1) **RESERVATION.**—From amounts appropriated under section 1608 for each fiscal year, the Secretary shall reserve ½ of 1 percent of such amount for payments to the Secretary of the Interior for activities approved by the Secretary, consistent with this subpart, in elementary schools and secondary schools operated or supported by the Bureau of Indian Affairs, on the basis of their respective needs for assistance under this part.

“(2) **ALLOTMENTS.**—

“(A) **IN GENERAL.**—From the amounts appropriated under section 1608 for each fiscal year that remain after making the reservation under paragraph (1), the Secretary shall allot to each State having an application approved under section 1604 an amount that bears the same relationship to the remainder as the school age population served by eligible local educational agencies in the State bears to the school age population served by eligible local educational agencies in all States.

“(B) **DATA.**—In determining the school age population under subparagraph (A), the Secretary shall use the most recent data available from the Bureau of the Census.

“(c) **DIRECT AWARDS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.**—

“(1) **NONPARTICIPATING STATE.**—If a State educational agency for a fiscal year elects not to participate in a program under this section, or does not have an application approved under section 1604, an eligible local educational agency in such State desiring a grant under this part for the fiscal year shall apply directly to the Secretary to receive a grant under this subsection.

“(2) **DIRECT AWARDS.**—The Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under subsection (b)(2) directly to eligible local educational agencies in the State desiring a grant under paragraph (1).

“(3) **ADMINISTRATIVE FUNDS.**—An eligible local educational agency that receives a direct grant under this subsection may use not more than 1 percent of the grant funds for the administrative costs of carrying out this part in the first year the agency receives a grant under this subsection and 0.5 percent for such costs in the second and each succeeding such year.

“(d) **MATCHING REQUIREMENT.**—Each eligible local educational agency receiving a grant under subsection (c) or section 1605(a) shall contribute resources with respect to the local authorized activities to be assisted under this part in cash or in-kind, from non-Federal sources, in an amount equal to the Federal funds awarded under the grant.

“(e) **RELATION TO OTHER FEDERAL FUNDING.**—Funds received under this part by a State educational agency or an eligible local educational agency shall not be taken into consideration in determining the eligibility for, or amount of, any other Federal funding awarded to such agencies.

#### **“SEC. 1604. APPLICATIONS.**

“(a) **IN GENERAL.**—Each State educational agency desiring a grant under section 1603 and eligible local educational agency desiring a grant under section 1603(c) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(b) **CONTENTS.**—Each application submitted under subsection (a) shall—

“(1) specify annual, measurable performance goals and objectives, at a minimum, with respect to—

“(A) increased student academic achievement;

“(B) decreased gaps in achievement between minority and non-minority students, and between economically disadvantaged and non-economically disadvantaged students; and

“(C) other factors that the State educational agency or eligible local educational agency may choose to measure;

“(2) describe how the State educational agency or eligible local educational agency will hold local educational agencies and elementary schools or secondary schools receiving funds under this part accountable for meeting the annual, measurable goals and objectives;

“(3) describe how the State educational agency or eligible local educational agency will provide technical assistance for a local educational agency, an elementary school, or a secondary school that does not meet the annual, measurable goals and objectives; and

“(4) describe how the State educational agency or eligible local educational agency will take action against a local educational agency, an elementary school, or a secondary school, if the local educational agency or school fails, over 2 consecutive years, to meet the annual, measurable goals and objectives.

#### **“SEC. 1605. WITHIN-STATE ALLOCATIONS.**

“(a) **ALLOCATIONS.**—A State educational agency shall award grants under this part to eligible local educational agencies within the State according to a formula developed by the State educational agency and approved by the Secretary.

“(b) **USES OF FUNDS.**—Grant funds awarded to eligible local educational agencies or made available to elementary schools and secondary schools under this section shall be used for—

“(1) educational technology, including software and hardware;

“(2) professional development;

“(3) technical assistance;

“(4) recruitment and retention of fully qualified teachers, as defined in title II, and highly qualified principals;

“(5) parental involvement activities; or

“(6) academic enrichment or other education programs.

“(c) **RESERVATION OF ADMINISTRATIVE FUNDS.**—

“(1) **FIRST YEAR.**—For the first year that a State educational agency receives a grant under this part, the agency—

“(A) shall use not less than 99 percent of the grant funds to award grants to eligible local educational agencies in the State; and

“(B) may use not more than 1 percent for State activities and the administrative costs of carrying out this part.

“(2) **SUCCEEDING YEARS.**—For the second and each succeeding year that a State educational agency receives a grant under this part, the agency—

“(A) shall use not less than 99.5 percent of the grant funds to award grants to eligible local educational agencies in the State; and

“(B) may use not more than 0.5 percent of the grant funds for State activities and the administrative costs of carrying out this part.

#### **“SEC. 1606. ACCOUNTABILITY.**

The Secretary, at the end of the third year that a State educational agency or an eligible local educational agency receiving a direct award under section 1603(c) participates in the program under this part, shall permit only those State educational agencies and eligible local educational agencies that meet their annual, measurable goals and objectives for 2 consecutive years to receive grant funds for the fourth or fifth fiscal years of the program under this part.

**“SEC. 1607. REPORTS.**

“(a) STATE REPORTS.—Each State educational agency that receives a grant under this part shall provide an annual report to the Secretary. The report shall describe—

“(1) the method the State educational agency used to award grants to eligible local educational agencies and to provide assistance to elementary schools and secondary schools under this part;

“(2) how eligible local educational agencies and elementary schools and secondary schools within the State used the grant funds provided under this part; and

“(3) the degree to which progress has been made toward meeting the annual, measurable goals and objectives described in the State application.

“(b) REPORTS FROM ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Each eligible local educational agency receiving a grant under section 1603(c) shall provide an annual report to the Secretary. Such report shall describe—

“(1) how such agency used the grant funds provided under this part;

“(2) the degree to which progress has been made toward meeting the annual, measurable goals and objectives described in the eligible local educational agency's application; and

“(3) how the local educational agency coordinated funds received under this part with other Federal, State, and local funds.

“(c) REPORT TO CONGRESS.—The Secretary shall prepare and submit to Congress an annual report setting forth the information provided to the Secretary pursuant to subsections (a) and (b).

“(d) STUDY.—The Comptroller General of the United States shall conduct a study regarding the impact of assistance provided under this part on student achievement, and shall submit such study to Congress.

**“SEC. 1608. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this part \$200,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

**PART G—GENERAL PROVISIONS****SEC. 181. FEDERAL REGULATIONS.**

Section 1701(b)(4) (20 U.S.C. 6511(b)(4)) (as redesignated by section 161(2)) is amended by striking “July 1, 1995” and inserting “May 1, 2000”.

**SEC. 182. STATE ADMINISTRATION.**

Section 1703 (20 U.S.C. 6513) (as redesignated by section 161(2)) is amended by striking subsection (c).

**TITLE II—TEACHER AND PRINCIPAL QUALITY, PROFESSIONAL DEVELOPMENT, AND CLASS SIZE****SEC. 201. TEACHER AND PRINCIPAL QUALITY, PROFESSIONAL DEVELOPMENT, AND CLASS SIZE.**

Title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

**“TITLE II—TEACHER AND PRINCIPAL QUALITY, PROFESSIONAL DEVELOPMENT, AND CLASS SIZE****“SEC. 2001. PURPOSE.**

“The purpose of this title is to provide grants to State educational agencies and local educational agencies in order to assist their efforts to increase student academic achievement through such strategies as improving teacher and principal quality, increasing professional development, and decreasing class size.

**“SEC. 2002. DEFINITIONS.**

“In this title:

“(1) FULLY QUALIFIED.—The term ‘fully qualified’ means—

“(A) in the case of an elementary school teacher (other than a teacher teaching in a

public charter school), a teacher who, at a minimum—

“(i) has obtained State certification (which may include certification obtained through alternative means), or a State license, to teach in the State in which the teacher teaches;

“(ii) holds a bachelor's degree from an institution of higher education; and

“(iii) demonstrates subject matter knowledge, teaching knowledge, and the teaching skills required to teach effectively reading, writing, mathematics, science, social studies, and other elements of a liberal arts education; and

“(B) in the case of a middle school or secondary school teacher (other than a teacher teaching in a public charter school), a teacher who, at a minimum—

“(i) has obtained State certification (which may include certification obtained through alternative means), or a State license, to teach in the State in which the teacher teaches;

“(ii) holds a bachelor's degree from an institution of higher education; and

“(iii) demonstrates a high level of competence in all subject areas in which the teacher teaches through—

“(I) completion of an academic major (or courses totaling an equivalent number of credit hours) in each of the subject areas in which the teacher provides instruction;

“(II) in the case of other mid-career professionals entering the teaching profession, achievement of—

“(aa) a high level of performance in other professional employment experience in subject areas relevant to the subject areas in which instruction will be provided; and

“(bb) a requirement described in subclause (III); or

“(III) achievement of a high level of performance on rigorous academic subject area tests administered by the State in which the teacher teaches.

“(2) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965, that—

“(A) has not been identified as low performing under section 208 of the Higher Education Act of 1965; and

“(B) is in full compliance with the public reporting requirements described in section 207 of the Higher Education Act of 1965.

“(3) OUTLYING AREA.—The term ‘outlying area’ means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(4) POVERTY LINE.—The term ‘poverty line’ means 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) applicable to a family of the size involved, for the most recent year.

“(5) SCHOOL-AGE POPULATION.—The term ‘school-age population’ means the population aged 5 through 17, as determined on the basis of the most recent satisfactory data.

“(6) STATE.—The term ‘State’ means each of the several States in the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

**“PART A—TEACHER AND PRINCIPAL QUALITY AND PROFESSIONAL DEVELOPMENT****“SEC. 2011. PROGRAM AUTHORIZED.**

“(a) GRANTS AUTHORIZED.—The Secretary shall award a grant, from allotments made under subsection (b), to each State having a State plan approved under section 2013, to enable the State to raise the quality of, and provide professional development opportuni-

ties for, public elementary school and secondary school teachers, principals, and administrators.

**“(b) RESERVATIONS AND ALLOTMENTS.—**

“(1) RESERVATIONS.—From the amount appropriated under section 2023 to carry out this part for each fiscal year, the Secretary shall reserve—

“(A) ½ of 1 percent of such amount for payments to the Bureau of Indian Affairs for activities, approved by the Secretary, consistent with this part;

“(B) ½ of 1 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs as determined by the Secretary, for activities, approved by the Secretary, consistent with this part; and

“(C) such sums as may be necessary to continue to support any multiyear partnership program award made under parts A, C, and D (as such parts were in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) until the termination of the multiyear award.

“(2) STATE ALLOTMENTS.—From the amount appropriated under section 2023 for a fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall allot to each State having a State plan approved under section 2013 the sum of—

“(A) an amount that bears the same relationship to 50 percent of the remainder as the school-age population from families with incomes below the poverty line in the State bears to the school-age population from families with incomes below the poverty line in all States; and

“(B) an amount that bears the same relationship to 50 percent of the remainder as the school-age population in the State bears to the school-age population in all States.

“(c) STATE MINIMUM.—For any fiscal year, no State shall be allotted under this section an amount that is less than ½ of 1 percent of the total amount allotted to all States under subsection (b)(2).

“(d) HOLD-HARMLESS AMOUNTS.—For fiscal year 2001, notwithstanding subsection (b)(2), the amount allotted to each State under this section shall be not less than 100 percent of the total amount the State was allotted under part B (as such part was in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for the preceding fiscal year.

“(e) RATABLE REDUCTIONS.—If the sums made available under subsection (b)(2) for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (d) for such year, the Secretary shall ratably reduce such amounts for such year.

**“SEC. 2012. WITHIN STATE ALLOCATION.**

“(a) IN GENERAL.—Each State educational agency for a State receiving a grant under section 2011(a) shall—

“(1) set aside 10 percent of the grant funds to award educator partnership grants under section 2021;

“(2) set aside not more than 5 percent of the grant funds to carry out activities described in the State plan submitted under section 2013; and

“(3) using the remaining 85 percent of the grant funds, make subgrants by allocating to each local educational agency in the State the sum of—

“(A) an amount that bears the same relationship to 60 percent of the remainder as the school-age population from families with incomes below the poverty line in the area served by the local educational agency bears to the school-age population from families



with incomes below the poverty line in the area served by all local educational agencies in the State; and

“(B) an amount that bears the same relationship to 40 percent of the remainder as the school-age population in the area served by the local educational agency bears to the school-age population in the area served by all local educational agencies in the State.

“(b) HOLD-HARMLESS AMOUNTS.—

“(1) FISCAL YEAR 2001.—For fiscal year 2001, notwithstanding subsection (a), the amount allocated to each local educational agency under this section shall be not less than 100 percent of the total amount the local educational agency was allocated under this title (as in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for fiscal year 2000.

“(2) FISCAL YEAR 2002.—For fiscal year 2002, notwithstanding subsection (a), the amount allocated to each local educational agency under this section shall be not less than 85 percent of the amount allocated to the local educational agency under this section for fiscal year 2001.

“(3) FISCAL YEARS 2003–2005.—For each of fiscal years 2003 through 2005, notwithstanding subsection (a), the amount allocated to each local educational agency under this section shall be not less than 70 percent of the amount allocated to the local educational agency under this section for the previous fiscal year.

“(c) RATABLE REDUCTIONS.—If the sums made available under subsection (a)(3) for any fiscal year are insufficient to pay the full amounts that all local educational agencies are eligible to receive under subsection (b) for such year, the State educational agency shall ratably reduce such amounts for such year.

#### “SEC. 2013. STATE PLANS.

“(a) PLAN REQUIRED.—

“(1) COMPREHENSIVE STATE PLAN.—The entity or agency responsible for teacher certification or licensing under the laws of the State desiring a grant under this part shall submit a State plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. If the State educational agency is not the entity or agency designated under the laws of the State as responsible for teacher certification or licensing in the State, then the plan shall be developed in consultation with the State educational agency. The entity or agency shall provide annual evidence of such consultation to the Secretary.

“(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 8302.

“(b) CONTENTS.—Each plan submitted under subsection (a) shall—

“(1) describe how the State is taking reasonable steps to—

“(A) reform teacher certification, recertification, or licensure requirements to ensure that—

“(i) teachers have the necessary teaching skills and academic content knowledge in the academic subjects in which the teachers are assigned to teach;

“(ii) such requirements are aligned with the challenging State content standards;

“(iii) teachers have the knowledge and skills necessary to help students meet the challenging State student performance standards;

“(iv) such requirements take into account the need, as determined by the State, for greater access to, and participation in, the teaching profession by individuals from historically underrepresented groups; and

“(v) teachers have the necessary technological skills to integrate more effectively

technology in the teaching of content required by State and local standards in all academic subjects in which the teachers provide instruction;

“(B) develop and implement rigorous testing procedures for teachers, as required in section 2002(1)(A), to ensure that the teachers have teaching skills and academic content knowledge necessary to teach effectively the content called for by State and local standards in all academic subjects in which the teachers provide instruction;

“(C) establish, expand, or improve alternative routes to State certification of teachers, especially in the areas of mathematics and science, for highly qualified individuals with a baccalaureate degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates who have records of academic distinction and who demonstrate the potential to become highly effective teachers;

“(D) reduce emergency teacher certification;

“(E) develop and implement effective programs, and provide financial assistance, to assist local educational agencies, elementary schools, and secondary schools in effectively recruiting and retaining fully qualified teachers and principals, particularly in schools that have the lowest proportion of fully qualified teachers or the highest proportion of low-performing students;

“(F) provide professional development programs that meet the requirements described in section 2019;

“(G) provide programs that are designed to assist new teachers during their first 3 years of teaching, such as mentoring programs that—

“(i) provide mentoring to new teachers from veteran teachers with expertise in the same subject matter as the new teachers are teaching;

“(ii) provide mentors time for activities such as coaching, observing, and assisting teachers who are being mentored; and

“(iii) use standards or assessments that are consistent with the State's student performance standards and the requirements for professional development activities described in section 2019 in order to guide the new teachers;

“(H) provide technical assistance to local educational agencies in developing and implementing activities described in section 2018; and

“(I) ensure that programs in core academic subjects, particularly in mathematics and science, will take into account the need for greater access to, and participation in, such core academic subjects by students from historically underrepresented groups, including females, minorities, individuals with limited English proficiency, the economically disadvantaged, and individuals with disabilities, by incorporating pedagogical strategies and techniques that meet such students' educational needs;

“(2) describe the activities for which assistance is sought under the grant, and how such activities will improve students' academic achievement and close academic achievement gaps of low-income, minority, and limited English proficient students;

“(3) describe how the State will establish annual numerical performance objectives under section 2014 for improving the qualifications of teachers and the professional development of teachers, principals, administrators, and mental health professionals;

“(4) contain an assurance that the State consulted with local educational agencies, education-related community groups, non-profit organizations, parents, teachers, school administrators, local school boards, institutions of higher education in the State,

and content specialists in establishing the performance objectives described in section 2014;

“(5) describe how the State will hold local educational agencies, elementary schools, and secondary schools accountable for meeting the performance objectives described in section 2014 and for reporting annually on the local educational agencies' and schools' progress in meeting the performance objectives;

“(6) describe how the State will ensure that a local educational agency receiving a subgrant under section 2012 will comply with the requirements of this part;

“(7) provide an assurance that the State will require each local educational agency, elementary school, or secondary school receiving funds under this part to report publicly the local educational agency's or school's annual progress with respect to the performance objectives described in section 2014; and

“(8) describe how the State will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs, including programs authorized under titles I and III and, where appropriate, the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act of 1998.

“(c) SECRETARY APPROVAL.—The Secretary shall, using a peer review process, approve a State plan if the plan meets the requirements of this section.

“(d) DURATION OF THE PLAN.—

“(1) IN GENERAL.—Each State plan shall—

“(A) remain in effect for the duration of the State's participation under this part; and

“(B) be periodically reviewed and revised by the State, as necessary, to reflect changes to the State's strategies and programs carried out under this part.

“(2) ADDITIONAL INFORMATION.—If a State receiving a grant under this part makes significant changes to the State plan, such as the adoption of new performance objectives, the State shall submit information regarding the significant changes to the Secretary.

#### “SEC. 2014. PERFORMANCE OBJECTIVES.

“(a) IN GENERAL.—Each State receiving a grant under this part shall establish annual numerical performance objectives with respect to progress in improving the qualifications of teachers and the professional development of teachers, principals, administrators and mental health professionals. For each annual numerical performance objective established, the State shall specify an incremental percentage increase for the objective to be attained for each of the fiscal years for which the State receives a grant under this part, relative to the preceding fiscal year.

“(b) REQUIRED OBJECTIVES.—At a minimum, the annual numerical performance objectives described in subsection (a) shall include an incremental increase in the percentage of—

“(1) classes in core academic subjects that are being taught by fully qualified teachers;

“(2) new teachers and principals receiving professional development support, including mentoring for teachers, during the teachers' first 3 years of teaching;

“(3) teachers, principals, and administrators participating in high quality professional development programs that are consistent with section 2019; and

“(4) fully qualified teachers teaching in the State, to ensure that all teachers teaching in such State are fully qualified by December 31, 2005.

“(c) REQUIREMENT FOR FULLY QUALIFIED TEACHERS.—Each State receiving a grant

under this part shall ensure that all public elementary school and secondary school teachers in the State are fully qualified not later than December 31, 2005.

**“(d) ACCOUNTABILITY.—**

**“(1) IN GENERAL.—**Each State receiving a grant under this part shall be held accountable for—

**“(A)** meeting the State’s annual numerical performance objectives; and

**“(B)** meeting the reporting requirements described in section 4401.

**“(2) SANCTIONS.—**Any State that fails to meet the requirement described in paragraph (1)(A) shall be subject to sanctions under section 7001.

**“(e) SPECIAL RULE.—**Notwithstanding any other provision of law, the provisions of subsection (c) shall not supersede State laws governing public charter schools.

**“(f) COORDINATION.—**Each State that receives a grant under this part and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities the State carries out under such section 202 with the activities the State carries out under this section.

**“SEC. 2015. OPTIONAL ACTIVITIES.**

“Each State receiving a grant under section 2011(a) may use the grant funds—

**“(1)** to develop and implement a system to measure the effectiveness of specific professional development programs and strategies;

**“(2)** to increase the portability of teacher pensions and reciprocity of teaching certification or licensure among States, except that no reciprocity agreement developed under this section may lead to the weakening of any State teacher certification or licensing requirement;

**“(3)** to develop or assist local educational agencies in the development and utilization of proven, innovative strategies to deliver intensive professional development programs that are cost effective and easily accessible, such as programs offered through the use of technology and distance learning;

**“(4)** to provide assistance to local educational agencies for the development and implementation of innovative professional development programs that train teachers to use technology to improve teaching and learning and that are consistent with the requirements of section 2019;

**“(5)** to provide professional development to enable teachers to ensure that female students, minority students, limited English proficient students, students with disabilities, and economically disadvantaged students have the full opportunity to achieve challenging State content and performance standards in the core academic subjects;

**“(6)** to increase the number of women, minorities, and individuals with disabilities who teach in the State and who are fully qualified and provide instruction in core academic subjects in which such individuals are underrepresented; and

**“(7)** to increase the number of highly qualified women, minorities, and individuals from other underrepresented groups who are involved in the administration of elementary schools and secondary schools within the State.

**“SEC. 2016. STATE ADMINISTRATIVE EXPENSES.**

“Each State receiving a grant under section 2011(a) may use not more than 5 percent of the amount set aside in section 2012(a)(2) for the cost of—

**“(1)** planning and administering the activities described in section 2013(b); and

**“(2)** making subgrants to local educational agencies under section 2012.

**“SEC. 2017. LOCAL PLANS.**

**“(a) IN GENERAL.—**Each local educational agency desiring a grant from the State under section 2012(a)(3) shall submit a local plan to the State educational agency—

**“(1)** at such time, in such manner, and accompanied by such information as the State educational agency may require; and

**“(2)** that describes how the local educational agency will coordinate the activities for which assistance is sought under this part with other programs carried out under this Act, or other Acts, as appropriate.

**“(b) LOCAL PLAN CONTENTS.—**The local plan described in subsection (a) shall, at a minimum—

**“(1)** describe how the local educational agency will use the grant funds to meet the State performance objectives for teacher qualifications and professional development described in section 2014;

**“(2)** describe how the local educational agency will hold elementary schools and secondary schools accountable for meeting the requirements described in this part;

**“(3)** contain an assurance that the local educational agency will target funds to elementary schools and secondary schools served by the local educational agency that—

**“(A)** have the lowest proportion of fully qualified teachers; and

**“(B)** are identified for school improvement under section 1116;

**“(4)** describe how the local educational agency will coordinate professional development activities authorized under section 2018(a) with professional development activities provided through other Federal, State, and local programs, including those authorized under titles I and III and, where applicable, the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act of 1998; and

**“(5)** describe how the local educational agency has collaborated with teachers, principals, parents, and administrators in the preparation of the local plan.

**“SEC. 2018. LOCAL ACTIVITIES.**

**“(a) IN GENERAL.—**Each local educational agency receiving a grant under section 2012(a)(3) shall use the grant funds to—

**“(1)** support professional development activities, consistent with section 2019, for—

**“(A)** teachers, in at least the areas of reading, mathematics, and science; and

**“(B)** teachers, principals, administrators and mental health professionals in order to provide such individuals with the knowledge and skills to provide all students, including female students, minority students, limited English proficient students, students with disabilities, and economically disadvantaged students, with the opportunity to meet challenging State content and student performance standards;

**“(2)** provide professional development to teachers, principals, and administrators to enhance the use of technology within elementary schools and secondary schools in order to deliver more effective curricula instruction;

**“(3)** recruit and retain fully qualified teachers and highly qualified principals, particularly for elementary schools and secondary schools located in areas with high percentages of low-performing students and students from families below the poverty line;

**“(4)** recruit and retain fully qualified teachers and high quality principals to serve in the elementary schools and secondary schools with the highest proportion of low-performing students, such as through—

**“(A)** mentoring programs for newly hired teachers, including programs provided by master teachers, and for newly hired principals; and

**“(B)** programs that provide other incentives, including financial incentives, to retain—

**“(i)** teachers who have a record of success in helping low-performing students improve those students’ academic success; and

**“(ii)** principals who have a record of improving the performance of all students, or significantly narrowing the gaps between minority students and nonminority students, and economically disadvantaged students and noneconomically disadvantaged students, within the elementary schools or secondary schools served by the principals;

**“(5)** provide professional development that incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse groups of students, including female students, minority students, students with disabilities, limited English proficient students, and economically disadvantaged students; and

**“(6)** provide professional development for mental health professionals, including school psychologists, school counselors, and school social workers, that is focused on enhancing the skills and knowledge of such individuals so that they may help students exhibiting distress (such as substance abuse, disruptive behavior, and suicidal behavior) meet the challenging State student performance standards.

**“(b) OPTIONAL ACTIVITIES.—**Each local educational agency receiving a grant under section 2012(a)(3) may use the subgrant funds—

**“(1)** to provide a signing bonus or other financial incentive, such as differential pay for—

**“(A)** a teacher to teach in an academic subject for which there exists a shortage of fully qualified teachers within the elementary school or secondary school in which the teacher teaches or within the elementary schools and secondary schools served by the local educational agency; or

**“(B)** a highly qualified principal in a school in which there is a large percentage of children—

**“(i)** from low-income families; or

**“(ii)** with high percentages of low-performance scores on State assessments;

**“(2)** to establish programs that—

**“(A)** recruit professionals into teaching from other fields and provide such professionals with alternative routes to teacher certification, especially in the areas of mathematics, science, and English language arts; and

**“(B)** provide increased teaching and administration opportunities for fully qualified females, minorities, individuals with disabilities, and other individuals underrepresented in the teaching or school administration professions;

**“(3)** to establish programs and activities that are designed to improve the quality of the teacher and principal force, such as innovative professional development programs (which may be provided through partnerships, including partnerships with institutions of higher education), and including programs that—

**“(A)** train teachers and principals to utilize technology to improve teaching and learning; and

**“(B)** are consistent with the requirements of section 2019;

**“(4)** to provide collaboratively designed performance pay systems for teachers and principals that encourage teachers and principals to work together to raise student performance;

**“(5)** to establish professional development programs that provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented);

**“(6)** to establish professional development programs that provide instruction in how best to discipline children in the classroom,

and to identify early and appropriate interventions to help children described in paragraph (5) learn;

“(7) to provide professional development programs that provide instruction in how to teach character education in a manner that—

“(A) reflects the values of parents, teachers, and local communities; and

“(B) incorporates elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness;

“(8) to provide scholarships or other incentives to assist teachers in attaining national board certification;

“(9) to support activities designed to provide effective professional development for teachers of limited English proficient students;

“(10) to establish other activities designed—

“(A) to improve professional development for teachers, principals, and administrators that are consistent with section 2019; and

“(B) to recruit and retain fully qualified teachers and highly qualified principals; and

“(11) to establish master teacher programs to increase teacher salaries and employee benefits for teachers who enter into contracts with the local educational agency to serve as master teachers, in accordance with the requirements of subsection (c).

“(c) REQUIREMENTS FOR MASTER TEACHER PROGRAMS.—

“(1) DEFINITIONS.—In this subsection:

“(A) LOW-PERFORMING STUDENTS.—The term ‘low-performing students’ means students who, based on multiple measures, perform below a basic level of proficiency for their grade level, as determined by the State.

“(B) MASTER TEACHER.—The term ‘master teacher’ means a teacher who—

“(i) is fully qualified;

“(ii) has been teaching for at least 5 years in a public or private school or institution of higher education;

“(iii) is selected upon application and recommendation by administrators and other teachers;

“(iv) at the time of submission of such application, is teaching and based in a public school;

“(v) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs mentoring, develops curriculum, and offers other professional development; and

“(vi) enters into a contract with the local educational agency to continue to teach and serve as a master teacher for at least 5 years.

“(2) REQUIREMENTS FOR MASTER TEACHER CONTRACTS.—A local educational agency that establishes a master teacher program under subsection (b)(11) shall negotiate the terms of contracts of master teachers with the local labor organizations that represent teachers in the school districts served by that agency. A contract with a master teacher entered into in accordance with this paragraph shall specify that a breach of the contract shall be deemed to have occurred if the master teacher voluntarily withdraws or terminates the contract or is dismissed by the local educational agency or school district (as applicable) for nonperformance of duties, subject to any statutory or negotiated due process procedures that may apply. The contract shall require in the event of a breach of contract that a teacher repay the local educational agency all funds provided to the teacher under the contract.

**“SEC. 2019. PROFESSIONAL DEVELOPMENT FOR TEACHERS.**

“(a) LIMITATION RELATING TO CURRICULUM AND CONTENT AREAS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a local educational agency may not use grant funds allocated under section 2012(a)(3) to support a professional development activity for a teacher that is not—

“(A) directly related to the curriculum for which and content areas in which the teacher provides instruction; or

“(B) designed to enhance the ability of the teacher to understand and use the State’s challenging content standards for the academic subject in which the teacher provides instruction.

“(2) EXCEPTION.—Paragraph (1) shall not apply to professional development activities that provide instruction in methods of disciplining children.

“(b) PROFESSIONAL DEVELOPMENT ACTIVITY.—A professional development activity carried out under this part shall—

“(1) be measured, in terms of progress described in section 2014(a), using the specific performance indicators established by the State in accordance with section 2014;

“(2) be tied to challenging State or local content standards and student performance standards;

“(3) be tied to scientifically based research demonstrating the effectiveness of such activities in increasing student achievement or substantially increasing the knowledge and teaching skills of teachers;

“(4) be of sufficient intensity and duration (such as not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on teachers’ performance in the classroom, except that this paragraph shall not apply to an activity that is 1 component described in a long-term comprehensive professional development plan established by a teacher and the teacher’s supervisor, and based upon an assessment of the needs of the teacher, the teacher’s students, and the local educational agency;

“(5) be developed with extensive participation of teachers, principals, parents, administrators, and local school boards of elementary schools and secondary schools to be served under this part, and institutions of higher education in the State, and, with respect to any professional development program described in paragraph (6) or (7) of section 2018(b), shall, if applicable, be developed with extensive coordination with, and participation of, professionals with expertise in such type of professional development;

“(6) to the extent appropriate, provide training for teachers regarding using technology and applying technology effectively in the classroom to improve teaching and learning concerning the curriculum and academic content areas, in which those teachers provide instruction; and

“(7) be directly related to the content areas in which the teachers provide instruction and the State content standards.

“(c) ACCOUNTABILITY.—

“(1) IN GENERAL.—A State shall notify a local educational agency that the agency may be subject to the action described in paragraph (3) if, after any fiscal year, the State determines that the programs or activities funded by the agency under this part fail to meet the requirements of subsections (a) and (b).

“(2) TECHNICAL ASSISTANCE.—A local educational agency that has received notification pursuant to paragraph (1) may request technical assistance from the State and an opportunity for such local educational agency to comply with the requirements of subsections (a) and (b).

“(3) STATE EDUCATIONAL AGENCY ACTION.—If a State educational agency determines that a local educational agency failed to carry out the local educational agency’s responsibilities under this section, the State edu-

cational agency shall take such action as the agency determines to be necessary, consistent with this section, to provide, or direct the local educational agency to provide, high-quality professional development for teachers, principals, and administrators.

**“SEC. 2020. PARENTS’ RIGHT TO KNOW.**

“Each local educational agency receiving a grant under section 2012(a)(3) shall meet the reporting requirements with respect to teacher qualifications described in section 4401(h).

**“SEC. 2021. STATE REPORTS AND GAO STUDY.**

“(a) STATE REPORTS.—Each State educational agency receiving a grant under this part shall annually provide a report to the Secretary describing—

“(1) the progress the State is making in increasing the percentages of fully qualified teachers in the State to ensure that all teachers are fully qualified not later than December 31, 2005, including information regarding—

“(A) the percentage increase over the previous fiscal year in the number of fully qualified teachers teaching in elementary schools and secondary schools served by local educational agencies receiving funds under title I; and

“(B) the percentage increase over the previous fiscal year in the number of core classes being taught by fully qualified teachers in elementary schools and secondary schools being served under title I;

“(2) the activities undertaken by the State educational agency and local educational agencies in the State to attract and retain fully qualified teachers, especially in geographic areas and content subject areas in which a shortage of such teachers exist; and

“(3) the approximate percentage of Federal, State, local, and nongovernmental resources being expended to carry out activities described in paragraph (2).

“(b) GAO STUDY.—Not later than September 30, 2004, the Comptroller General of the United States shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a study setting forth information regarding the progress of States’ compliance in increasing the percentage of fully qualified teachers, as defined in section 2002(1), for fiscal years 2000 through 2003.

**“SEC. 2021. EDUCATOR PARTNERSHIP GRANTS.**

“(a) SUBGRANTS.—

“(1) IN GENERAL.—A State receiving a grant under section 2011(a) shall award subgrants, on a competitive basis, from amounts made available under section 2012(a)(1), to local educational agencies, elementary schools, or secondary schools that have formed educator partnerships, for the design and implementation of programs that will enhance professional development opportunities for teachers, principals, and administrators, and will increase the number of fully qualified teachers.

“(2) ALLOCATIONS.—A State awarding subgrants under this subsection shall allocate the subgrant funds on a competitive basis and in a manner that results in an equitable distribution of the subgrant funds by geographic areas within the State.

“(3) ADMINISTRATIVE EXPENSES.—Each educator partnership receiving a subgrant under this subsection may use not more than 5 percent of the subgrant funds for any fiscal year for the cost of planning and administering programs under this section.

“(b) EDUCATOR PARTNERSHIPS.—An educator partnership described in subsection (a) includes a cooperative arrangement between—

“(1) a public elementary school or secondary school (including a charter school), or a local educational agency; and

“(2) 1 or more of the following:

“(A) An institution of higher education.

“(B) An educational service agency.

“(C) A public or private not-for-profit educational organization.

“(D) A for-profit education organization.

“(E) An entity from outside the traditional education arena, including a corporation or consulting firm.

“(c) **USE OF FUNDS.**—An educator partnership receiving a subgrant under this section shall use the subgrant funds for—

“(1) developing and enhancing of professional development activities for teachers in core academic subjects to ensure that the teachers have content knowledge in the academic subjects in which the teachers provide instruction;

“(2) developing and providing assistance to local educational agencies and elementary schools and secondary schools for sustained, high-quality professional development activities for teachers, principals, and administrators, that—

“(A) ensure that teachers, principals, and administrators are able to use State content standards, performance standards, and assessments to improve instructional practices and student achievement; and

“(B) may include intensive programs designed to prepare a teacher who participates in such a program to provide professional development instruction to other teachers within the participating teacher's school;

“(3) increasing the number of fully qualified teachers available to provide high-quality education to limited English proficient students by—

“(A) working with institutions of higher education that offer degree programs, to attract more people into such programs, and to prepare better new, English language teachers to provide effective language instruction to limited English proficient students; and

“(B) supporting development and implementation of professional development programs for language instruction teachers to improve the language proficiency of limited English proficient students;

“(4) developing and implementing professional development activities for principals and administrators to enable the principals and administrators to be effective school leaders and to improve student achievement on challenging State content and student performance standards, including professional development relating to—

“(A) leadership skills;

“(B) recruitment, assignment, retention, and evaluation of teachers and other staff;

“(C) effective instructional practices, including the use of technology; and

“(D) parental and community involvement; and

“(5) providing activities that enhance professional development opportunities for teachers, principals, and administrators or will increase the number of fully qualified teachers.

“(d) **APPLICATION REQUIRED.**—Each educator partnership desiring a subgrant under this section shall submit an application to the appropriate State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require.

“(e) **COORDINATION.**—Each educator partnership that receives a subgrant under this section and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under such section 203 with any related activities carried out under this section.

#### “SEC. 2023. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part \$1,600,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

#### “PART B—CLASS SIZE REDUCTION

##### “SEC. 2031. FINDINGS.

“Congress makes the following findings:

“(1) Rigorous research has shown that students attending small classes in the early grades make more rapid educational gains than students in larger classes, and that those gains persist through at least the eighth grade.

“(2) The benefits of smaller classes are greatest for lower-achieving, minority, poor, and inner-city children, as demonstrated by a study that found that urban fourth graders in smaller-than-average classes were  $\frac{3}{4}$  of a school year ahead of their counterparts in larger-than-average classes.

“(3) Teachers in small classes can provide students with more individualized attention, spend more time on instruction and less time on other tasks, and cover more material effectively, and are better able to work with parents to further their children's education, than teachers in large classes.

“(4) Smaller classes allow teachers to identify and work with students who have learning disabilities sooner than is possible with larger classes, potentially reducing those students' needs for special education services in the later grades.

“(5) The National Research Council report, ‘Preventing Reading Difficulties in Young Children’, recommends reducing class sizes, accompanied by providing high-quality professional development for teachers, as a strategy for improving student achievement in reading.

“(6) Efforts to improve educational outcomes by reducing class sizes in the early grades are likely to be successful only if well-qualified teachers are hired to fill additional classroom positions, and if teachers receive intensive, ongoing professional development.

“(7) Several States and school districts have begun serious efforts to reduce class sizes in the early elementary school grades, but those efforts may be impeded by financial limitations or difficulties in hiring highly qualified teachers.

“(8) The Federal Government can assist in those efforts by providing funding for class size reductions in grades 1 through 3, and by helping to ensure that both new and current teachers who are moving into smaller classrooms are well prepared.

##### “SEC. 2032. PURPOSE.

“The purpose of this part is to help States and local educational agencies recruit, train, and hire 100,000 additional teachers in order to—

“(1) reduce nationally class size in grades 1 through 3 to an average of 18 students per regular classroom; and

“(2) improve teaching in the early elementary school grades so that all students can learn to read independently and well by the end of the third grade.

##### “SEC. 2033. ALLOTMENTS TO STATES.

“(a) **RESERVATIONS FOR THE OUTLYING AREAS AND THE BUREAU OF INDIAN AFFAIRS.**—From the amount appropriated under section 2042 for any fiscal year, the Secretary shall reserve a total of not more than 1 percent to make payments to—

“(1) outlying areas, on the basis of their respective needs, for activities, approved by the Secretary, consistent with this part; and

“(2) the Secretary of the Interior for activities approved by the Secretary of Education, consistent with this part, in schools operated or supported by the Bureau of In-

dian Affairs, on the basis of their respective needs.

“(b) **ALLOTMENTS TO STATES.**—

“(1) **IN GENERAL.**—From the amount appropriated under section 2042 for a fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall make grants by allotting to each State having a State application approved under section 2034(c) an amount that bears the same relationship to the remainder as the greater of the amounts that the State received in the preceding fiscal year under sections 1122 and 2202(b) (as such sections were in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Rededication Act) bears to the total of the greater amounts that all States received under such sections for the preceding fiscal year.

“(2) **RATABLE REDUCTION.**—If the sums made available under paragraph (1) for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

“(3) **REALLOTMENT.**—If any State chooses not to participate in the program carried out under this part, or fails to submit an approvable application under this part, the Secretary shall reallocate the amount that such State would have received under paragraphs (1) and (2) to States having applications approved under section 2034(c), in accordance with paragraphs (1) and (2).

##### “SEC. 2034. APPLICATIONS.

“(a) **APPLICATIONS REQUIRED.**—The State educational agency for each State desiring a grant under this part shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

“(b) **CONTENTS.**—The application shall include—

“(1) a description of the State's goals for using funds under this part to reduce average class sizes in regular classrooms in grades 1 through 3, including a description of class sizes in those classrooms, for each local educational agency in the State (as of the date of submission of the application);

“(2) a description of how the State educational agency will allocate program funds made available through the grant within the State;

“(3) a description of how the State will use other funds, including other Federal funds, to reduce class sizes and to improve teacher quality and reading achievement within the State; and

“(4) an assurance that the State educational agency will submit to the Secretary such reports and information as the Secretary may reasonably require.

“(c) **APPROVAL OF APPLICATIONS.**—The Secretary shall approve a State application submitted under this section if the application meets the requirements of this section and holds reasonable promise of achieving the purpose of this part.

##### “SEC. 2035. WITHIN-STATE ALLOCATIONS.

“(a) **ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.**—Each State receiving a grant under this part for any fiscal year may reserve not more than 1 percent of the grant funds for the cost of administering this part and, using the remaining funds, shall make subgrants by allocating to each local educational agency in the State the sum of—

“(1) an amount that bears the same relationship to 80 percent of the remainder as the school-age population from families with incomes below the poverty line in the area served by the local educational agency bears to the school-age population from families with incomes below the poverty line in the

area served by all local educational agencies in the State; and

“(2) an amount that bears the same relationship to 20 percent of the remainder as the enrollment of the school-age population in public and private nonprofit elementary schools and secondary schools in the area served by the local educational agency bears to the enrollment of the school-age population in public and private nonprofit elementary schools and secondary schools in the area served by all local educational agencies in the State.

“(b) REALLOCATION.—If any local educational agency chooses not to participate in the program carried out under this part, or fails to submit an approvable application under this part, the State educational agency shall reallocate the amount such local educational agency would have received under subsection (a) to local educational agencies having applications approved under section 2036(b), in accordance with subsection (a).

**“SEC. 2036. LOCAL APPLICATIONS.**

“(a) IN GENERAL.—Each local educational agency desiring a subgrant under section 2035(a) shall submit an application to the appropriate State educational agency at such time, in such form, and containing such information as the State educational agency may require, including a description of the local educational agency's program to reduce class sizes by hiring additional highly qualified teachers.

“(b) APPROVAL OF APPLICATIONS.—The State educational agency shall approve a local agency application submitted under subsection (a) if the application meets the requirements of subsection (a) and holds reasonable promise of achieving the purpose of this part.

**“SEC. 2037. USES OF FUNDS.**

“(a) ADMINISTRATIVE EXPENSES.—Each local educational agency receiving a subgrant under section 2035(a) may use not more than 3 percent of the subgrant funds for any fiscal year for the cost of administering this part.

“(b) RECRUITMENT, TEACHER TESTING, AND PROFESSIONAL DEVELOPMENT.—

“(1) IN GENERAL.—Each local educational agency receiving subgrant funds under this section shall use such subgrant funds to carry out effective approaches to reducing class size with fully qualified teachers who are certified within the State (including teachers certified through State or local alternative routes) and who demonstrate competency in the areas in which the teachers provide instruction, to improve educational achievement for both regular and special needs children, with particular consideration given to reducing class size in the early elementary grades.

“(2) LOCAL ACTIVITIES.—

“(A) IN GENERAL.—Each local educational agency receiving subgrant funds under this section may use such subgrant funds for—

“(i) recruiting (including through the use of signing bonuses, and other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and non-disabled children) and teachers of special-needs children, who are certified within the State, including teachers who are certified through State or local alternative routes, have a bachelor's degree, and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers provide instruction;

“(ii) testing new teachers for academic content knowledge and satisfaction of State

certification requirements consistent with title II of the Higher Education Act of 1965; and

“(iii) providing professional development (which may include such activities as promoting retention and mentoring) to teachers, including special education teachers and teachers of special-needs children, in order to meet the goal of ensuring that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which they provide instruction, consistent with title II of the Higher Education Act of 1965.

“(B) LIMITATIONS.—

“(i) IN GENERAL.—Except as provided in clause (ii), a local educational agency may use not more than a total of 25 percent of the award received under this section for activities described in subparagraph (A)(ii) and (iii).

“(ii) ED-FLEX.—

“(1) WAIVER.—A local educational agency located in a State designated as an Ed-Flex Partnership State under section 4(a)(1)(B) of the Education Flexibility Partnership Act of 1999, and in which 10 percent or more of teachers in elementary schools, as defined by section 8101(14), have not met applicable State and local certification requirements (including certification through State or local alternative routes), or if such requirements have been waived, may apply to the State educational agency for a waiver that would permit the agency to use more than 25 percent of the funds it receives under this section for activities described in subparagraph (A)(iii) for the purpose of helping teachers to become certified.

“(II) APPROVAL.—If the State educational agency approves the local educational agency's application for a waiver under subclause (I), the local educational agency may use the funds subject to the waiver for activities described in subparagraph (A)(iii) that are needed to ensure that at least 90 percent of the teachers in elementary schools within the State are certified.

“(C) ADDITIONAL USES.—

“(i) IN GENERAL.—A local educational agency that has already reduced class size in the early grades to 18 or less children (or has already reduced class size to a State or local class size reduction goal that was in effect on the day before the enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency goal is 20 or fewer children) may use funds received under this section—

“(I) to make further class size reductions in grades kindergarten through 3;

“(II) to reduce class size in other grades; or

“(III) to carry out activities to improve teacher quality, including professional development.

“(ii) PROFESSIONAL DEVELOPMENT.—If a local educational agency has already reduced class size in the early grades to 18 or fewer children and intends to use funds provided under this Part to carry out professional development activities, including activities to improve teacher quality, then the State shall make the award under section 2035 to the local educational agency.

“(c) SPECIAL RULE.—Notwithstanding subsection (b), if the award to a local educational agency under section 2035 is less than the starting salary for a new fully qualified teacher teaching in a school served by that agency, and such teacher is certified within the State (which may include certification through State or local alternative routes), has a bachelor's degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas the teacher is assigned to provide instruction,

then the agency may use grant funds under this part to—

“(1) help pay the salary of a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or

“(2) pay for activities described in subsection (b), which may be related to teaching in smaller classes.

**“SEC. 2038. PRIVATE SCHOOLS.**

“If a local educational agency uses funds made available under this Part for professional development activities, the local educational agency shall ensure the equitable participation of private nonprofit elementary schools and secondary schools in such activities.

**“SEC. 2039. TEACHER SALARIES AND BENEFITS.**

“A local educational agency may use grant funds provided under this part—

“(1) except as provided in paragraph (2), to increase the salaries of, or provide benefits (other than participation in professional development and enrichment programs) to, teachers only if such teachers were hired under this part; and

“(2) to pay the salaries of teachers hired under section 307 of the Department of Education Appropriations Act of 1999 who, not later than the beginning of the 2001-2002 school year, are fully qualified, as defined in section 2002(1).

**“SEC. 2040. STATE REPORT REQUIREMENTS.**

“(a) REPORT ON ACTIVITIES.—A State educational agency receiving funds under this part shall submit a report to the Secretary providing information about the activities in the State assisted under this part.

“(b) REPORT TO PARENTS.—Each State educational agency and local educational agency receiving funds under this part shall publicly issue a report to parents of children who attend schools assisted under this part describing—

“(1) the agency's progress in reducing class size;

“(2) the agency's progress in increasing the percentage of classes in core academic areas that are taught by fully qualified teachers who are certified within the State and demonstrate competency in the content areas in which the teachers provide instruction; and

“(3) the impact, if any, that hiring additional highly qualified teachers and reducing class size has had on increasing student academic achievement in schools served by the agency.

“(c) PROFESSIONAL QUALIFICATIONS REPORT.—Upon the request of a parent of a child attending a school receiving assistance under this part, such school shall provide the parent with information regarding the professional qualifications of their child's teacher.

**“SEC. 2041. SUPPLEMENT NOT SUPPLANT.**

“Each local educational agency receiving grant funds under this part shall use such funds only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this part.

**“SEC. 2042. AUTHORIZATION OF APPROPRIATIONS.**

“For the purpose of carrying out this part, there are authorized to be appropriated \$1,400,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

**TITLE III—LANGUAGE MINORITY STUDENTS AND INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION**

**SEC. 301. LANGUAGE MINORITY STUDENTS.**

Title III (20 U.S.C. 6801 et seq.) is amended—

(1) by amending the heading for title III to read as follows:

**"TITLE III—LANGUAGE MINORITY STUDENTS AND INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION";**

(2) by repealing section 3101 (20 U.S.C. 6801) and part A (20 U.S.C. 6811 et seq.); and

(3) by inserting after the heading for title III (as amended by paragraph (1)) the following:

**"Subtitle A—Language Minority Students**

**"SEC. 3101. FINDINGS, POLICY, AND PURPOSE.**

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

"(1)(A) Educating limited English proficient students is an urgent goal for many local educational agencies, but that goal is not being achieved.

"(B) Each year, 640,000 limited English proficient students are not served by any sort of program targeted to the students' unique needs.

"(C) In 1998, only 15 percent of local educational agencies that applied for funding under enhancement grants and comprehensive school grants received such funding.

"(2)(A) The school dropout rate for Hispanic students, the largest group of limited English proficient students, is approximately 25 percent, and is approximately 46 percent for Hispanic students born outside of the United States.

"(B) A United States Department of Education report regarding school dropout rates states that language difficulty 'may be a barrier to participation in United States schools'.

"(C) Reading ability is a key predictor of graduation and academic success.

"(3) Through fiscal year 1999, bilingual education capacity and demonstration grants—

"(A) have spread funding too broadly to make an impact on language instruction educational programs implemented by State educational agencies and local educational agencies; and

"(B) have lacked concrete performance measures.

"(4)(A) Since 1979, the number of limited English proficient children in schools in the United States has doubled to more than 3,000,000, and demographic trends indicate the population of limited English proficient children will continue to increase.

"(B) Language-minority Americans speak virtually all world languages plus many that are indigenous to the United States.

"(C) The rich linguistic diversity language-minority students bring to America's classrooms enhances the learning environment for all students and should be valued for the significant, positive impact such diversity has on the entire school environment.

"(D) Parent and community participation in educational language programs for limited English proficient students contributes to program effectiveness.

"(E) The Federal Government, as reflected in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and section 204(f) of the Equal Education Opportunities Act of 1974 (20 U.S.C. 1703), has a special and continuing obligation to ensure that States and local educational agencies take appropriate action to provide equal educational opportunities to limited English proficient children and youth.

"(F) The Federal Government also, as exemplified by programs authorized under this title, has a special and continuing obligation to assist States and local educational agencies to develop the capacity to provide programs of instruction that offer limited English proficient children and youth equal educational opportunities.

"(5) Limited English proficient children and youth face a number of challenges in receiving an education that will enable them

to participate fully in American society, including—

"(A) disproportionate attendance in high-poverty schools, as demonstrated by the fact that, in 1994, 75 percent of limited English proficient students attended schools in which as least half of all students were eligible for free or reduced-price meals;

"(B) the limited ability of parents of such children and youth to participate fully in the education of their children because of the parents' own limited English proficiency;

"(C) a shortage of teachers and other staff who are professionally trained and qualified to serve such children and youth; and

"(D) lack of appropriate performance and assessment standards that distinguish between language and academic achievement so that there is equal accountability on the part of State educational agencies and local educational agencies for the achievement of limited English proficient students in academic content while acquiring English language skills.

"(b) POLICY.—Congress declares it to be the policy of the United States that in order to ensure equal educational opportunity for all children and youth, and to promote educational excellence, the Federal Government should—

"(1) assist State educational agencies, local educational agencies, and community-based organizations to build their capacity to establish, implement, and sustain programs of instruction and English language development for children and youth of limited English proficiency;

"(2) hold State educational agencies and local educational agencies accountable for increases in English proficiency and core content knowledge among limited English proficient students; and

"(3) promote parental and community participation in limited English proficiency programs.

"(c) PURPOSE.—The purpose of this subtitle is to assist all limited English proficient students so that those students can meet or exceed the State proficient standard level for academic performance in core subject areas expected of all elementary school and secondary school students, and succeed in our Nation's society, by—

"(1) streamlining existing language instruction programs into a performance-based grant for State and local educational agencies to help limited English proficient students become proficient in English;

"(2) increasing significantly the amount of Federal assistance to local educational agencies serving such students while requiring that State educational agencies and local educational agencies demonstrate annual improvements in the English proficiency of such students from the preceding fiscal year; and

"(3) providing State educational agencies and local educational agencies with the flexibility to implement instructional programs based on scientific research that the agencies believe to be the most effective for teaching English.

**"SEC. 3102. DEFINITIONS.**

"Except as otherwise provided, for purposes of this subtitle:

"(1) LIMITED ENGLISH PROFICIENT STUDENT.—The term 'limited English proficient student' means an individual aged 5 through 17 enrolled in an elementary school or secondary school—

"(A) who—

"(i) was not born in the United States or whose native language is a language other than English; or

"(ii) is a Native American or Alaska Native, or who is a native resident of the outlying areas and comes from an environment

where a language other than English has had a significant impact on such individual's level of English language proficiency; or

"(iii) is migratory and whose native language is other than English, and who comes from an environment where a language other than English is dominant; and

"(B) who has sufficient difficulty speaking, reading, writing, or understanding the English language, and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

"(2) LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM.—The term 'language instruction educational program' means an instructional course in which a limited English proficient student is placed for the purpose of becoming proficient in the English language.

"(3) SPECIALLY QUALIFIED AGENCY.—The term 'specially qualified agency' means a local educational agency in a State that does not participate in a program under this subtitle for a fiscal year.

"(4) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

**"SEC. 3103. PROGRAM AUTHORIZED.**

"(a) GRANTS AUTHORIZED.—The Secretary shall award grants, from allotments under subsection (b), to each State having a State plan approved under section 3105(c), to enable the State to help limited English proficient students become proficient in English.

"(b) RESERVATIONS AND ALLOTMENTS.—

"(1) RESERVATIONS.—From the amount appropriated under section 3110 to carry out this subtitle for each fiscal year, the Secretary shall reserve—

"(A) ½ of 1 percent of such amount for payments to the Secretary of the Interior for activities approved by the Secretary, consistent with this subtitle, in schools operated or supported by the Bureau of Indian Affairs, on the basis of their respective needs for assistance under this subtitle; and

"(B) ½ of 1 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs as determined by the Secretary, for activities, approved by the Secretary, consistent with this subtitle.

"(2) STATE ALLOTMENTS.—From the amount appropriated under section 3110 for any of the fiscal years 2001 through 2005 that remains after making reservations under paragraph (1), the Secretary shall allot to each State having a State plan approved under section 3105(c) an amount that bears the same relationship to the remainder as the number of limited English proficient students in the State bears to the number of limited English proficient students in all States.

"(3) DATA.—For the purpose of determining the number of limited English proficient students in a State and in all States for each fiscal year, the Secretary shall use data that will yield the most accurate, up-to-date, numbers of such students, including—

"(A) data available from the Bureau of the Census; or

"(B) data submitted to the Secretary by the States to determine the number of limited English proficient students in a State and in all States.

"(4) HOLD-HARMLESS AMOUNTS.—For fiscal year 2001, and for each of the 4 succeeding fiscal years, notwithstanding paragraph (2), the total amount allotted to each State under this subsection shall be not less than 85 percent of the total amount the State was allotted under parts A and B of title VII (as such title was in effect on the day preceding

the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act).

“(c) DIRECT AWARDS TO SPECIALLY QUALIFIED AGENCIES.—

“(1) NONPARTICIPATING STATE.—If a State educational agency for a fiscal year elects not to participate in a program under this subtitle, or does not have an application approved under section 3105(c), a specially qualified agency in such State desiring a grant under this subtitle for the fiscal year shall apply directly to the Secretary to receive a grant under this subsection.

“(2) DIRECT AWARDS.—The Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under subsection (b)(2) directly to specially qualified agencies in the State desiring a grant under paragraph (1) and having an application approved under section 3105(c).

“(3) ADMINISTRATIVE FUNDS.—A specially qualified agency that receives a direct grant under this subsection may use not more than 1 percent of the grant funds for the administrative costs of carrying out this subtitle in the first year the agency receives a grant under this subsection and 0.5 percent for such costs in the second and each succeeding such year.

**“SEC. 3104. WITHIN-STATE ALLOCATIONS.**

“(a) GRANT AWARDS.—Each State educational agency receiving a grant under section 3103(a) shall use 95 percent of the grant funds to award subgrants, from allotments under subsection (b), to local educational agencies in the State to carry out the activities described in section 3107.

“(b) ALLOTMENT FORMULA.—Each State educational agency receiving a grant under this subtitle shall award a grant to each local educational agency in the State having a plan approved under section 3106 in an amount that bears the same relationship to the amount of funds appropriated under section 3110 as the school-age population of limited English proficient students in schools served by the local educational agency bears to the school-age population of limited English proficient students in schools served by all local educational agencies in the State.

“(c) RESERVATIONS.—

“(1) STATE ACTIVITIES.—Each State educational agency receiving a grant under this subtitle may reserve not more than 5 percent of the grant funds to carry out activities described in the State plan submitted under section 3105.

“(2) ADMINISTRATIVE EXPENSES.—From the amount reserved under paragraph (1), a State educational agency may use not more than 2 percent for the planning costs and administrative costs of carrying out the activities described in the State plan and providing grants to local educational agencies.

**“SEC. 3105. STATE AND SPECIALLY QUALIFIED AGENCY PLAN.**

“(a) PLAN REQUIRED.—Each State educational agency and specially qualified agency desiring a grant under this subtitle shall submit a plan to the Secretary at such time, in such manner and accompanied by such information as the Secretary may require.

“(b) CONTENTS.—Each State plan submitted under subsection (a) shall—

“(1) describe how the State or specially qualified agency will—

“(A) establish standards and benchmarks for English language development that are aligned with the State content and student performance standards described in section 1111;

“(B) develop high-quality, annual assessments to measure English language proficiency, including proficiency in the 4 recog-

nized domains of speaking, listening, reading, and writing; and

“(C) develop annual performance objectives, based on the English language development standards described in subparagraph (A), to raise the level of English proficiency of each limited English proficient student;

“(2) contain an assurance that the State educational agency or specially qualified agency consulted with local educational agencies, education-related community groups and nonprofit organizations, parents, teachers, school administrators, and English language instruction specialists, in the setting of the performance objectives;

“(3) describe how—

“(A) in the case of a State educational agency, the State educational agency will hold local educational agencies and elementary schools and secondary schools accountable for—

“(i) meeting the English proficiency performance objectives described in section 3109; and

“(ii) making adequate yearly progress with limited English proficient students in the subject areas of core content knowledge as described in section 1111; and

“(B) in the case of a specially qualified agency, the agency will hold elementary schools and secondary schools accountable for meeting the English proficiency performance objectives described in section 3109, and making adequate yearly progress, including annual numerical goals for improving the performance of limited English proficient students on performance standards described in section 1111(b)(1)(D)(ii);

“(4) describe the activities for which assistance is sought, and how the activities will increase the speed and effectiveness with which students learn English;

“(5) in the case of a State educational agency, describe how local educational agencies in the State will be given the flexibility to teach English—

“(A) using language instruction curriculum that is scientifically research based; and

“(B) in the manner the local educational agencies determine to be the most effective; and

“(6) describe how—

“(A) in the case of a State educational agency, the State educational agency will provide technical assistance to local educational agencies and elementary schools and secondary schools for the purposes of identifying and implementing English language instruction educational programs and curricula that are scientifically research based; and

“(B) in the case of a specially qualified agency, the specially qualified agency will provide technical assistance to elementary schools and secondary schools served by the specially qualified agency for the purposes of identifying and implementing English language instruction educational programs and curricula that are scientifically research based.

“(c) APPROVAL.—The Secretary, using a peer review process, shall approve a State plan or a specially qualified agency plan if the plan meets the requirements of this section, and holds reasonable promise of achieving the purpose described in section 3101(c).

“(d) DURATION OF THE PLAN.—

“(1) IN GENERAL.—Each State plan or specially qualified agency plan shall—

“(A) remain in effect for the duration of the State's or specially qualified agency's participation under this subtitle; and

“(B) be periodically reviewed and revised by the State or specially qualified agency, as necessary, to reflect changes in the State's or specially qualified agency's strategies and programs under this subtitle.

“(2) ADDITIONAL INFORMATION.—If the State educational agency or specially qualified agency makes significant changes in its plan, such as the adoption of new performance objectives or assessment measures, the State educational agency or specially qualified agency shall submit such information to the Secretary.

“(e) CONSOLIDATED PLAN.—A State plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 8302.

“(f) SECRETARY ASSISTANCE.—Pursuant to section 7004(a)(3), the Secretary shall provide assistance, if required, in the development of English language development standards and English language proficiency assessments.

**“SEC. 3106. LOCAL PLANS.**

“(a) PLAN REQUIRED.—Each local educational agency desiring a grant from the State educational agency under section 3104(a) shall submit a plan to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

“(b) CONTENTS.—Each local educational agency plan submitted under subsection (a) shall—

“(1) describe how the local educational agency shall use the grant funds to meet the English proficiency performance objective described in section 3109;

“(2) describe how the local educational agency will hold elementary schools and secondary schools accountable for meeting the performance objectives;

“(3) contain an assurance that the local educational agency consulted with elementary schools and secondary schools, education-related community groups and nonprofit organizations, institutions of higher education, parents, language instruction teachers, school administrators, and English language instruction specialists, in developing the local educational agency plan; and

“(4) contain an assurance that the local educational agency will use the disaggregated results of the student assessments required under section 1111(b)(4), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency under this part and under title I to determine whether the schools are making the annual progress necessary to ensure that limited English proficient students attending the schools will meet the proficient State content and student performance standard within 10 years of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

**“SEC. 3107. USES OF FUNDS.**

“(a) ADMINISTRATIVE EXPENSES.—Each local educational agency receiving a grant under section 3104 may use not more than 1 percent of the grant funds for any fiscal year for the cost of administering this subtitle.

“(b) ACTIVITIES.—Each local educational agency receiving grant funds under section 3104 shall use the grant funds that are not used under subsection (a)—

“(1) to increase limited English proficient students' proficiency in English by providing high-quality English language instruction programs, such as bilingual education programs and transitional education or English immersion education programs, that are—

“(A) tied to scientifically based research demonstrating the effectiveness of the programs in increasing English proficiency; and

“(B) approved by the State educational agency;

“(2) to provide high-quality professional development activities for teachers of limited English proficient students that are—



“(A) designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instructional strategies for limited English proficient students;

“(B) tied to scientifically based research demonstrating the effectiveness of such programs in increasing students’ English proficiency or substantially increasing the knowledge and teaching skills of such teachers; and

“(C) of sufficient intensity and duration (such as not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher’s performance in the classroom, except that this paragraph shall not apply to an activity that is 1 component of a long-term, comprehensive professional development plan established by a teacher and the teacher’s supervisor based upon an assessment of the teacher’s and supervisor’s needs, the student’s needs, and the needs of the local educational agency;

“(3) to identify, acquire, and upgrade curricula, instructional materials, educational software, and assessment procedures; and

“(4) to provide parent and community participation programs to improve English language instruction programs for limited English proficient students.

#### **“SEC. 3108. PROGRAM REQUIREMENTS.**

“(a) PROHIBITION.—In carrying out this subtitle the Secretary shall neither mandate nor preclude a particular curricular or pedagogical approach to educating limited English proficient students.

“(b) TEACHER ENGLISH FLUENCY.—Each local educational agency receiving grant funds under section 3104 shall certify to the State educational agency that all teachers in any language instruction program for limited English proficient students funded under this subtitle are fluent in English.

#### **“SEC. 3109. PERFORMANCE OBJECTIVES.**

“(a) IN GENERAL.—Each State educational agency or specifically qualified agency receiving a grant under this subtitle shall develop annual numerical performance objectives with respect to helping limited English proficient students become proficient in English. The objectives shall include incremental percentage increases for each fiscal year a State receives a grant under this subtitle, including increases in the number of limited English proficient students demonstrating an increase in performance on annual assessments in reading, writing, speaking, and listening comprehension, from the preceding fiscal year.

“(b) ACCOUNTABILITY.—Each State educational agency or specially qualified agency receiving a grant under this subtitle shall be held accountable for meeting the annual numerical performance objectives under this subtitle and the adequate yearly progress levels for limited English proficient students under section 1111(b)(2)(B)(iv) and (vii). Any State educational agency or specially qualified agency that fails to meet the annual performance objectives shall be subject to sanctions under section 7001.

#### **“SEC. 3110. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this subtitle \$1,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

#### **“SEC. 3111. REGULATIONS AND NOTIFICATION.**

“(a) REGULATION RULE.—In developing regulations under this subtitle, the Secretary shall consult with State educational agencies, local educational agencies, organizations representing limited English proficient individuals, and organizations representing teachers and other personnel involved in the

education of limited English proficient students.

“(b) PARENTAL NOTIFICATION.—

“(1) IN GENERAL.—Each local educational agency shall notify parents of a student participating in a language instruction educational program under this subtitle of—

“(A) the student’s level of English proficiency, how such level was assessed, the status of the student’s academic achievement, and the implications of the student’s educational strengths and needs for age- and grade-appropriate academic attainment, promotion, and graduation;

“(B) what programs are available to meet the student’s educational strengths and needs, and how such programs differ in content and instructional goals from other language instruction educational programs and, in the case of a student with a disability, how such program meets the objectives of the individualized education program of such a student; and

“(C) the instructional goals of the language instruction educational program, and how the program will specifically help the limited English proficient student learn English and meet age-appropriate standards for grade promotion and graduation, including—

“(i) the characteristics, benefits, and past academic results of the language instruction educational program and of instructional alternatives; and

“(ii) the reasons the student was identified as being in need of a language instruction educational program.

“(2) OPTION TO DECLINE.—

“(A) IN GENERAL.—Each parent described in paragraph (1) shall also be informed that the parent has the option of declining the enrollment of their children or youth in a language instruction educational program, and shall be given an opportunity to decline such enrollment if the parent so chooses.

“(B) OBLIGATIONS.—A local educational agency shall not be relieved of any of the agency’s obligations under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) if a parent chooses not to enroll their child in a language instruction educational program.

“(3) RECEIPT OF INFORMATION.—A parent described in paragraph (1) shall receive, in a manner and form understandable to the parent including, if necessary and to the extent feasible, in the native language of the parent, the information required by this subsection. At a minimum, the parent shall receive—

“(A) timely information about projects funded under this subtitle; and

“(B) if the parent of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from parents of children assisted under this subtitle.

“(4) SPECIAL RULE.—A student shall not be admitted to, or excluded from, any Federally assisted language instruction educational program solely on the basis of a surname or language-minority status.

“(5) LIMITATIONS ON CONDITIONS.—Nothing in this subtitle shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State’s, local educational agency’s, elementary school’s, or secondary school’s specific challenging English language development standards or assessments, curricula, or program of instruction, as a condition of eligibility to receive grant funds under this subtitle.”

#### **SEC. 302. EMERGENCY IMMIGRANT EDUCATION PROGRAM.**

(a) REPEALS, TRANSFERS, AND REDESIGNATIONS.—Title III (20 U.S.C. 6801 et seq.) is further amended—

(1) by repealing part B (20 U.S.C. 6891 et seq.), part C (20 U.S.C. 6921 et seq.), part D (20 U.S.C. 6951 et seq.), and part E (20 U.S.C. 6971 et seq.);

(2) by transferring part C of title VII (20 U.S.C. 7541 et seq.) to title III and inserting such part after subtitle A (as inserted by section 301(3));

(3) by redesignating the heading for part C of title VII (as transferred by paragraph (2)) as the heading for subtitle B, and redesignating accordingly the references to such part as the references to such subtitle; and

(4) by redesignating section 7301 through 7309 (20 U.S.C. 7541, 7549) (as transferred by paragraph (2)) as sections 3201 through 3209, respectively, and redesignating accordingly the references to such sections.

(b) AMENDMENTS.—Subtitle B of title III (as so transferred and redesignated) is amended—

(1) in section 3205(a)(2) (as redesignated by subsection (a)(4)), by striking “the Goals 2000: Educate America Act,”; and

(2) in section 3209 (as redesignated by subsection (a)(4)), by striking “\$100,000,000” and all that follows through “necessary for” and inserting “such sums as may be necessary for fiscal year 2001 and”.

#### **SEC. 303. INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION.**

(a) REPEALS, TRANSFERS, AND REDESIGNATIONS.—Title III (20 U.S.C. 6801 et seq.) is further amended—

(1) by transferring title IX (20 U.S.C. 7801 et seq.) to title III and inserting such title after subtitle B (as inserted by section 302(a)(2));

(2) by redesignating the heading for title IX (as transferred by paragraph (1)) as the heading for subtitle C, and redesignating accordingly the references to such title as the references to such subtitle;

(3) by redesignating sections 9101 and 9102 (20 U.S.C. 7801, 7802) (as transferred by paragraph (1)) as sections 3301 and 3302, respectively, and redesignating accordingly the references to such sections;

(4) by redesignating sections 9111 through 9118 (20 U.S.C. 7811, 7818) (as transferred by paragraph (1)) as sections 3311 through 3318, respectively, and redesignating accordingly the references to such sections;

(5) by redesignating sections 9121 through 9125 (20 U.S.C. 7831, 7835) (as transferred by paragraph (1)) as sections 3321 through 3325, and redesignating accordingly the references to such section;

(6) by redesignating sections 9131 and 9141 (20 U.S.C. 7851, 7861) (as transferred by paragraph (1)) as sections 3331 and 3341, respectively, and redesignating accordingly the references to such sections;

(7) by redesignating sections 9151 through 9154 (20 U.S.C. 7871, 7874) (as transferred by paragraph (1)) as sections 3351 through 3354, respectively, and redesignating accordingly the references to such sections;

(8) by redesignating sections 9161 and 9162 (20 U.S.C. 7881, 7882) (as transferred by paragraph (1)) as sections 3361 and 3362, respectively, and redesignating accordingly the references to such sections;

(9) by redesignating sections 9201 through 9212 (20 U.S.C. 7901, 7912) (as transferred by paragraph (1)) as sections 3401 through 3412, respectively, and redesignating accordingly the references to such sections; and

(10) by redesignating sections 9301 through 9308 (20 U.S.C. 7931, 7938) (as transferred by paragraph (1)) as sections 3501 through 3508, and redesignating accordingly the references to such sections.

(b) AMENDMENTS.—Subtitle C of title III (as so transferred and redesignated) is amended—

(1) by amending section 3314(b)(2)(A) (as redesignated by subsection (a)(4)) to read as follows:

"(2)(A) is consistent with, and promotes the goals in, the State and local improvement plans under sections 1111 and 1112";

(2) by amending section 3325(e) (as redesignated by subsection (a)(5)) to read as follows: "(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subpart for fiscal year 2001 and each of the 4 succeeding years.";

(3) in section 3361(4)(E) (as redesignated by subsection (a)(8)), by striking "the Act entitled the 'Improving America's Schools Act of 1994'" and inserting "the Public Education Reinvestment, Reinvention, and Responsibility Act";

(4) by amending section 3362 (as redesignated by subsection (a)(8)) to read as follows: "**SEC. 3262. AUTHORIZATION OF APPROPRIATIONS.**

"For the purpose of carrying out subparts 1 through 5 of this part, there are authorized to be appropriated to the Department of Education such sums as may be necessary for fiscal year 2001 and each of the 4 succeeding years.";

(5) in section 3404 (as redesignated by subsection (a)(9))—

(A) in subsection (i), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act"; and

(B) in subsection (j), by striking "\$500,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and";

(6) in section 3405(c) (as redesignated by subsection (a)(9)), by striking "\$6,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and";

(7) in section 3406(e) (as redesignated by subsection (a)(9)), by striking "\$2,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and";

(8) in section 3407(e) (as redesignated by subsection (a)(9)), by striking "\$1,500,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and";

(9) in section 3408(c) (as redesignated by subsection (a)(9)), by striking "\$2,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and";

(10) in section 3409(d) (as redesignated by subsection (a)(9)), by striking "\$2,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and";

(11) in section 3410(d) (as redesignated by subsection (a)(9)), by striking "\$1,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and";

(12) in section 3504(c) (as redesignated by subsection (a)(10)), by striking "\$5,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and";

(13) in section 3505(e) (as redesignated by subsection (a)(10)), by striking "\$2,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and"; and

(14) in section 3506(d) (as redesignated by subsection (a)(10)), by striking "\$1,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2001, and".

#### **TITLE IV—PUBLIC SCHOOL CHOICE**

##### **SEC. 401. PUBLIC SCHOOL CHOICE.**

(a) MAGNET SCHOOLS AMENDMENTS.—Section 5113(a) (20 U.S.C. 7213(a)) is amended—

(1) by striking "\$120,000,000" and inserting "\$130,000,000"; and

(2) by striking "1995" and inserting "2001".

(b) CHARTER SCHOOLS AMENDMENTS.—

(1) PARALLEL ACCOUNTABILITY.—Section 10302 (20 U.S.C. 8062) is amended by adding at the end the following:

"(g) PARALLEL ACCOUNTABILITY.—Each State educational agency receiving a grant under this part shall hold charter schools assisted under this part accountable for adequate yearly progress for improving student performance under title I and as established in the school's charter, including the use of the same standards and assessments as established under title I."

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 10311 (20 U.S.C. 8067) is amended.—

(A) by striking "\$100,000,000" and inserting "\$200,000,000"; and

(B) by striking "1999" and inserting "2001".

(c) REPEALS, TRANSFERS AND REDESIGNATIONS.—The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by amending the heading for title IV (20 U.S.C. 7101 et seq.) to read as follows:

**"TITLE IV—PUBLIC SCHOOL CHOICE";**

(2) by amending section 4001 to read as follows:

**"SEC. 4001. FINDINGS, POLICY, AND PURPOSE.**

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

"(1)(A) Charter schools and magnet schools are an integral part of the educational system in the United States.

"(1)(B) Thirty-four States and the District of Columbia have established charter schools.

"(1)(C) Magnet schools have been established throughout the United States.

"(1)(D) A Department of Education evaluation of charter schools shows that 59 percent of charter schools reported that lack of start-up funds posed a difficult or very difficult challenge for the school.

"(2) State educational agencies and local educational agencies should hold all schools accountable for the improved performance of all students, including students attending charter schools and magnet schools, under State standards and student assessment measures.

"(3) School report cards constitute the key informational component used by parents for effective public school choice.

"(b) POLICY.—Congress declares it to be the policy of the United States—

"(1) to support and stimulate improved public school performance through increased public elementary school and secondary school competition and increased Federal financial assistance; and

"(2) to provide parents with more choices among public school options.

"(c) PURPOSES.—The purposes of this title are as follows:

"(1) To consolidate public school choice programs into 1 title.

"(2) To increase Federal assistance for magnet schools and charter schools.

"(3) To help parents make better and more informed choices by—

"(A) providing continued support and financial assistance for magnet schools;

"(B) providing continued support and expansion of charter schools and charter school districts; and

"(C) providing financial assistance to States and local educational agencies for the development of local educational agency and school report cards.";

(3) by repealing sections 4002 through 4004 (20 U.S.C. 7102, 7104), and part A (20 U.S.C. 7111 et seq.), of title IV;

(4) by transferring part A of title V (20 U.S.C. 7201 et seq.) (as amended by subsection (a)) to title IV and inserting such part A after section 4001;

(5) by redesignating sections 5101 through 5113 (20 U.S.C. 7201, 7213) (as transferred by

paragraph (4)) as sections 4101 through 4113, respectively, and by redesignating accordingly the references to such sections in part A of title IV (as so transferred);

(6) by transferring part C of title X (20 U.S.C. 8061 et seq.) (as amended by subsection (b)) to title IV and inserting such part C after part A of title IV (as transferred by paragraph (4));

(7) by redesignating part C of title IV (as transferred by paragraph (6)) as part B of title IV; and

(8) by redesignating sections 10301 through 10311 (20 U.S.C. 8061, 8067) (as transferred by paragraph (6)) as sections 4201 through 4211, respectively, and by redesignating accordingly the references to such sections in such part B of title IV (as so transferred and redesignated).

##### **SEC. 402. DEVELOPMENT OF PUBLIC SCHOOL CHOICE PROGRAMS; REPORT CARDS.**

Title IV (20 U.S.C. 7101 et seq.) is further amended by adding at the end the following:

#### **"PART C—DEVELOPMENT OF PUBLIC SCHOOL CHOICE PROGRAMS**

##### **"SEC. 4301. GRANTS AUTHORIZED.**

"(a) IN GENERAL.—From amounts made available to carry out this part for a fiscal year under section 4305, and not reserved under subsection (b), the Secretary is authorized to award grants, on a competitive basis, to local educational agencies to enable the local educational agencies to develop local public school choice programs.

"(b) RESERVATION FOR EVALUATION, TECHNICAL ASSISTANCE, AND DISSEMINATION.—From the amount appropriated under section 4305 for any fiscal year, the Secretary may reserve not more than 5 percent to carry out evaluations under subsection (c), to provide technical assistance, and to disseminate information.

"(c) EVALUATIONS.—The Secretary may use funds reserved under subsection (b) to carry out 1 or more evaluations of programs assisted under this part, which shall, at a minimum, address—

"(1) how, and the extent to which, the programs supported with funds under this part promote educational equity and excellence; and

"(2) the extent to which public schools of choice supported with funds under this part are—

"(A) held accountable to the public;

"(B) effective in improving public education; and

"(C) open and accessible to all students.

"(b) DURATION.—Grants under this part may be awarded for a period not to exceed 3 years.

##### **"SEC. 4302. DEFINITION OF HIGH-POVERTY LOCAL EDUCATIONAL AGENCY.**

"In this part, the term 'high-poverty local educational agency' means a local educational agency in which the percentage of children, ages 5 to 17, 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 most recent fiscal year for which satisfactory data are available is 20 percent or greater.

##### **"SEC. 4303. USES OF FUNDS.**

"(a) IN GENERAL.—

"(1) PUBLIC SCHOOL CHOICE.—Funds under this part may be used to demonstrate, develop, implement, evaluate, and disseminate information on innovative approaches to promote public school choice, including the design and development of new public school choice options, the development of new strategies for overcoming barriers to effective public school choice, and the design and

development of public school choice systems that promote high standards for all students and the continuous improvement of all public schools.

"(2) INNOVATIVE APPROACHES.—Such approaches at the school, local educational agency, and State levels may include—

"(A) inter-district approaches to public school choice, including approaches that increase equal access to high-quality educational programs and diversity in schools;

"(B) public elementary and secondary programs that involve partnerships with institutions of higher education and that are located on the campuses of those institutions;

"(C) programs that allow students in public secondary schools to enroll in postsecondary courses and to receive both secondary and postsecondary academic credit;

"(D) worksite satellite schools, in which State or local educational agencies form partnerships with public or private employers, to create public schools at parents' places of employment; and

"(E) approaches to school desegregation that provide students and parents choice through strategies other than magnet schools.

"(b) LIMITATIONS.—Funds under this part—

"(1) shall supplement, and not supplant, non-Federal funds expended for existing public school choice programs; and

"(2) may be used for providing transportation services or costs, except that not more than 10 percent of the funds received under this part shall be used by the local educational agency to provide such services or costs.

#### **"SEC. 4304. GRANT APPLICATION; PRIORITIES.**

"(a) APPLICATION REQUIRED.—A State or local educational agency desiring to receive a grant under this part shall submit an application to the Secretary.

"(b) APPLICATION CONTENTS.—Each application shall include—

"(1) a description of the program for which funds are sought and the goals for such program;

"(2) a description of how the program funded under this part will be coordinated with, and will complement and enhance, programs under other related Federal and non-Federal projects;

"(3) if the program includes partners, the name of each partner and a description of the partner's responsibilities;

"(4) a description of the policies and procedures the applicant will use to ensure—

"(A) its accountability for results, including its goals and performance indicators; and

"(B) that the program is open and accessible to, and will promote high academic standards for, all students; and

"(5) such other information as the Secretary may require.

"(c) PRIORITIES.—

"(1) HIGH-POVERTY AGENCIES.—The Secretary shall give a priority to applications for projects that would serve high-poverty local educational agencies.

"(2) PARTNERSHIPS.—The Secretary may give a priority to applications demonstrating that the applicant will carry out the applicant's project in partnership with 1 or more public and private agencies, organizations, and institutions, including institutions of higher education and public and private employers.

#### **"SEC. 4305. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this part \$100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

#### **"PART D—REPORT CARDS**

#### **"SEC. 4401. REPORT CARDS.**

"(a) GRANTS AUTHORIZED.—The Secretary shall award a grant, from allotments under

subsection (b), to each State having a State report card meeting the requirements described in subsection (g), to enable the State annually to publish report cards for each elementary school and secondary school that receives funding under this Act and is served by the State.

"(b) RESERVATIONS AND ALLOTMENTS.—

"(1) RESERVATIONS.—From the amount appropriated under subsection (e) to carry out this part for each fiscal year, the Secretary shall reserve—

"(A)  $\frac{1}{2}$  of 1 percent of such amount for payments to the Secretary of the Interior for activities approved by the Secretary, consistent with this part, in schools operated or supported by the Bureau of Indian Affairs, on the basis of their respective needs for assistance under this part; and

"(B)  $\frac{1}{2}$  of 1 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, for activities, approved by the Secretary, consistent with this part.

"(2) STATE ALLOTMENTS.—From the amount appropriated under subsection (e) for a fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall allot to each State having a State report card meeting the requirements described in subsection (g) an amount that bears the same relationship to the remainder as the number of public school students enrolled in elementary schools and secondary schools in the State bears to the number of such students so enrolled in all States.

"(c) WITHIN-STATE ALLOCATIONS.—Each State educational agency receiving a grant under subsection (a) shall allocate the grant funds that remain after making the reservation described in subsection (d) to each local educational agency in the State in an amount that bears the same relationship to the remainder as the number of public school students enrolled in elementary schools and secondary schools served by the local educational agency bears to the number of such students so enrolled in all local educational agencies within the State.

"(d) STATE RESERVATION OF FUNDS.—Each State educational agency receiving a grant under subsection (a) may reserve—

"(1) not more than 10 percent of the grant funds to carry out activities described under subsections (f) and (g), and (i)(1) for fiscal year 2001; and

"(2) not more than 5 percent of the grant funds to carry out activities described under subsections (f) and (g), and (i)(1) for fiscal year 2002 and each of the 3 succeeding fiscal years.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part \$5,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(f) ANNUAL STATE REPORT.—

"(1) REPORTS REQUIRED.—

"(A) IN GENERAL.—Except as provided in paragraph (3), not later than the beginning of the 2001-2002 school year, a State that receives assistance under this Act shall prepare and disseminate an annual report on all public elementary schools and secondary schools within the State that receive funds under this Act.

"(B) STATE REPORT CARDS ON EDUCATION.—In the case of a State that publishes State report cards on education, the State shall include in such report cards the information described in subsection (g).

"(C) REPORT CARDS ON ALL PUBLIC SCHOOLS.—In the case of a State that publishes a report card on all public elementary schools and secondary schools in the State, the State shall include, at a minimum, the

information described in subsection (g) for all public schools that receive funds under this Act.

"(2) IMPLEMENTATION; REQUIREMENTS.—

"(A) IMPLEMENTATION.—The State shall ensure implementation at all levels of the report cards described in paragraph (1).

"(B) REQUIREMENTS.—Annual report cards under this part shall be—

"(i) concise; and

"(ii) presented in a format and manner that parents can understand including, to the extent practicable, in a language the parents can understand.

"(3) PUBLICATION THROUGH OTHER MEANS.—

In the event that the State provides no such report card, the State shall, not later than the beginning of the 2001-2002 school year, publicly report the information described in subsection (g) for all public schools that receive funds under this Act.

"(g) CONTENT OF ANNUAL STATE REPORTS.—

"(1) REQUIRED INFORMATION.—Each State described in subsection (f)(1)(A), at a minimum, shall include in the annual State report information on each local educational agency and public school that receives funds under this Act, including information regarding—

"(A) student performance on statewide assessments for the year for which the annual State report is made, and the preceding year, in at least English language arts and mathematics, including—

"(i) a comparison of the proportions of students who performed at the basic, proficient, and advanced levels in each subject area, for each grade level at which assessments are required under title I, with proportions in each of the same 4 levels at the same grade levels in the previous school year;

"(ii) a statement on the 3-year trend in the percentage of students performing at the basic, proficient, and advanced levels in each subject area, for each grade level for which assessments are required under title I; and

"(iii) a statement of the percentage of students not tested and a listing of categories of the reasons why such students were not tested;

"(B) student retention rates in grades, the number of students completing advanced placement courses, and 4-year graduation rates;

"(C) the professional qualifications of teachers in the aggregate, including the percentage of teachers teaching with emergency or provisional credentials, the percentage of class sections not taught by fully qualified teachers, and the percentage of teachers who are fully qualified; and

"(D) the professional qualifications of paraprofessionals in the aggregate, the number of paraprofessionals in the aggregate, and the ratio of paraprofessionals to teachers in the classroom.

"(2) STUDENT DATA.—Student data in each report shall contain disaggregated results for the following categories:

"(A) Racial and ethnic groups.

"(B) Gender.

"(C) Economically disadvantaged students, as compared to students who are not economically disadvantaged.

"(D) Students with limited English proficiency, as compared to students who are proficient in English.

"(3) OPTIONAL INFORMATION.—A State may include in the State annual report any other information the State determines appropriate to reflect school quality and school achievement, including by grade level information on average class size and information on school safety, such as the incidence of school violence and drug and alcohol abuse, and the incidence of student suspensions and expulsions.

“(4) WAIVER.—The Secretary may grant a waiver to a State seeking a waiver of the requirements of this subsection if the State demonstrates to the Secretary that—

“(A) the content of existing State report cards meets the goals of this part; and

“(B) the State is taking identifiable steps to meet the requirements of this subsection.

“(h) LOCAL EDUCATIONAL AGENCY AND SCHOOL REPORT CARDS.—

“(1) REPORT REQUIRED.—

“(A) IN GENERAL.—The State shall ensure that each local educational agency, public elementary school, or public secondary school that receives funds under this Act, collects appropriate data and publishes an annual report card consistent with this subsection.

“(B) REQUIRED INFORMATION.—Each local educational agency, elementary school, and secondary school described in subparagraph (A), at a minimum, shall include in its annual report card—

“(i) the information described in subsections (g)(1) and (2) for each local educational agency and school;

“(ii) in the case of a local educational agency—

“(I) information regarding the number and percentage of schools identified for school improvement, including schools identified under section 1116 of this Act, served by the local educational agency;

“(II) information on the 3-year trend in the number and percentage of elementary schools and secondary schools identified for school improvement; and

“(III) information that shows how students in the schools served by the local educational agency perform on the statewide assessment compared to students in the State as a whole;

“(iii) in the case of an elementary school or a secondary school—

“(I) information regarding whether the school has been identified for school improvement; and

“(II) information that shows how the school's students performed on the statewide assessment compared to students in schools served by the same local educational agency and to all students in the State; and

“(iii) other appropriate information, whether or not the information is included in the annual State report.

“(2) SPECIAL RULE.—A local educational agency that issues report cards for all public elementary schools and secondary schools served by the agency shall include, at a minimum, the information described in subsection (g) for all public schools that receive funds under this Act.

“(i) DISSEMINATION AND ACCESSIBILITY OF REPORTS AND REPORT CARDS.—

“(1) STATE REPORTS.—State annual reports under subsection (g) shall be disseminated to all elementary schools, secondary schools, and local educational agencies in the State, and made broadly available to the public through means such as posting on the Internet and distribution to the media, and through public agencies.

“(2) LOCAL REPORT CARDS.—Local educational agency report cards under subsection (h) shall be disseminated to all elementary schools and secondary schools served by the local educational agency and to all parents of students attending such schools, and made broadly available to the public through means such as posting on the Internet and distribution to the media, and through public agencies.

“(3) SCHOOL REPORT CARDS.—Elementary school and secondary school report cards under subsection (h) shall be disseminated to all parents of students attending that school, and made broadly available to the public, through means such as posting on the Inter-

net and distribution to the media, and through public agencies.

“(j) PARENTS RIGHT-TO-KNOW.—

“(1) QUALIFICATIONS.—A local educational agency that receives funds part A of title I or part A of title II shall provide, upon request, in an understandable and uniform format, to any parent of a student attending any school receiving funds under part A of title I or part A of title II, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum—

“(A) whether the teacher has met State certification or licensing criteria for the grade levels and subject areas in which the teacher provides instruction;

“(B) whether the teacher is teaching under emergency or other provisional status through which State certification or licensing criteria are waived;

“(C) the baccalaureate degree major of the teacher, any other graduate certification or degree held by the teacher, and the field of discipline of each such certification or degree; and

“(D) whether the student is provided services by paraprofessionals, and the qualifications of any such paraprofessional.

“(2) ADDITIONAL INFORMATION.—In addition to the information that parents may request under paragraph (1), and the information provided in report cards under this part, a school that receives funds under part A of title I or part A of title II shall provide, to the extent practicable, to each individual parent or guardian—

“(A) information on the level of performance of the individual student, for whom they are the parent or guardian, in each of the State assessments as required under part A of title I; and

“(B) timely notice that the student, for whom they are the parent or guardian, was assigned or taught for 2 or more consecutive weeks by a substitute teacher or by a teacher not fully qualified.

“(k) COORDINATION OF STATE PLAN CONTENT.—A State shall include in its plan under part A of title I or part A of title II, an assurance that the State has in effect a policy that meets the requirements of this section.

“(l) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

“(m) DEFINITION.—The term ‘State’ means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

#### TITLE V—IMPACT AID

##### SEC. 501. IMPACT AID.

(a) Section 8014 (20 U.S.C. 7714) is amended—

(1) in subsection (a)—

(A) by striking “\$16,750,000 for fiscal year 1995 and”; and

(B) by inserting “fiscal year 2001 and” after “necessary for”; and

(2) in subsection (b)—

(A) by striking “\$775,000,000 for fiscal year 1995 and”; and

(B) by inserting “fiscal year 2001 and” after “necessary for”; and

(3) in subsection (c)—

(A) by striking “\$45,000,000 for fiscal year 1995 and”; and

(B) by inserting “fiscal year 2001 and” after “necessary for”; and

(4) in subsection (d)—

(A) by striking “\$2,000,000 for fiscal year 1995 and”; and

(B) by inserting “fiscal year 2001 and” after “necessary for”; and

(5) in subsection (e)—

(A) by striking “\$25,000,000 for fiscal year 1995 and”; and

(B) by inserting “fiscal year 2001 and” after “necessary for”; and

(6) in subsection (f)—

(A) by striking “\$2,000,000 for fiscal year 1995 and”; and

(B) by inserting “fiscal year 2001 and” after “necessary for”; and

(7) in subsection (g), by striking “1998” and inserting “2001”.

(b) REPEALS, TRANSFERS, AND REDESIGNATIONS.—The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by repealing title V (20 U.S.C. 7201 et seq.);

(2) by redesignating title VIII (20 U.S.C. 7701 et seq.) (as amended by subsection (a)) as title V, and transferring the title to follow title IV (as amended by section 402);

(3) by redesignating references to title VIII as references to title V (as redesignated and transferred by paragraph (2)); and

(4) by redesignating sections 8001 through 8014 (20 U.S.C. 7701, 7714) (as transferred by paragraph (2)) as sections 5001 through 5014, respectively, and redesignating accordingly the references to such sections.

#### TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES

##### SEC. 601. HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES.

Title VI (20 U.S.C. 7301 et seq.) is amended to read as follows:

#### “TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES

##### “SEC. 6001. FINDINGS, POLICY, AND PURPOSE.

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

“(1)(A) Congress embraces the view that educators most familiar with schools, including school superintendents, principals, teachers, and school support personnel, have a critical role in knowing what is needed and how best to meet the educational needs of students.

“(B) Local educational agencies should therefore have primary responsibility for deciding how to implement funds.

“(2)(A) Since the Elementary and Secondary Education Act was first authorized in 1965, the Federal Government has created numerous grant programs, each of which was created to address 1 among the myriad challenges and problems facing education.

“(B) Only a few of the Federal grant programs established before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act can be tied to significant quantitative results.

“(C) Because Federal education dollars are distributed through a patchwork of programs, with each program having its own set of requirements and restrictions, local educational agencies and schools have found it difficult to leverage funds for maximum impact.

“(D) In many cases, Federal education dollars distributed through competitive grant programs are too diffused to provide a true impact at the school level.

“(E) As a result of the Federal elementary and secondary education policies in place before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, the focus of Federal, State, and local educational agencies has been diverted from comprehensive student achievement to administrative compliance.

“(3)(A) Every elementary school and secondary school should provide a drug- and violence-free learning environment.

“(B) The widespread illegal use of alcohol and drugs among the Nation's secondary school students, and increasingly among elementary school students, constitutes a grave threat to students' physical and mental well-being, and significantly impedes the learning process.

“(C) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety, youth development, and positive school outcomes, and reduce the demand for and illegal use of alcohol, tobacco, and drugs throughout the Nation.

“(D) Schools, local organizations, parents, students, and communities throughout the Nation have a special responsibility to work together to combat the continuing epidemic of violence and illegal drug use, and should measure the success of programs established to address this epidemic against clearly defined goals and objectives.

“(E) Drug and violence prevention programs are most effective when implemented within a research-based, drug and violence prevention framework of proven effectiveness.

“(F) Substance abuse and violence are intricately related, and must be dealt with in a holistic manner.

“(4)(A) Technology can produce far greater opportunities for all students to meet high learning standards, promote efficiency and effectiveness in education, and help immediately and dramatically reform our Nation's educational system.

“(B) Because most Federal and State educational technology programs have focused on acquiring educational technologies, rather than emphasizing the utilization of those technologies in the classroom and the training and infrastructure required efficiently to support the technologies, the full potential of educational technology has rarely been realized.

“(C) The effective use of technology in education has been inhibited by the inability of many State educational agencies and local educational agencies to invest in and support needed technologies, and to obtain sufficient resources to seek expert technical assistance in developing high-quality professional development activities for teachers and keeping pace with the rapid technological advances.

“(D) To remain competitive in the global economy, which is increasingly reliant on a workforce that is comfortable with technology and able to integrate rapid technological changes into production processes, it is imperative that our Nation maintain a work-ready labor force.

“(b) POLICY.—Congress declares it to be the policy of the United States—

“(1) to facilitate significant innovation in elementary school and secondary school education programs;

“(2) to enrich the learning environment of students;

“(3) to provide a safe learning environment for all students;

“(3) to ensure that all students are technologically literate; and

“(4) to assist State educational agencies and local educational agencies in building the agencies' capacity to establish, implement, and sustain innovative programs for public elementary and secondary school students.

“(c) PURPOSES.—The purposes of this title are as follows:

“(1) To provide supplementary assistance for school improvement to elementary schools, secondary schools, and local educational agencies—

“(A) that have been or are at risk of being identified as being in need of improvement, as defined in section 1116 (c) and (d), to carry out activities (as described in such schools' or agencies' improvement plans developed under such section) that are designed to remedy the circumstances that caused such schools or agencies to be identified as in need of improvement; or

“(B) to improve core content curriculum and instructional practices and materials in core subject areas to ensure that all students are at the proficient standard level within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

“(2) To provide assistance to local educational agencies and schools for innovative programs and activities that will transform schools into 21st century opportunities for students by—

“(A) creating a challenging learning environment and facilitating academic enrichment through innovative academic programs; or

“(B) providing extra learning, time, and opportunities for students.

“(3) To provide assistance to local educational agencies, schools, and communities to strengthen existing programs or develop and implement new programs based on proven researched-based strategies that create safe learning environments by—

“(A) preventing violence and other high-risk behavior from occurring in and around schools; and

“(B) preventing the illegal use of alcohol, tobacco, and drugs among students.

“(4) To create New Economy Technology Schools (NETs) by providing assistance to local educational agencies and schools for—

“(A) the acquisition, development, interconnection, implementation, improvement, and maintenance of an effective educational technology infrastructure;

“(B) the acquisition and maintenance of technology equipment and the provision of training in the use of such equipment for teachers, school library and media personnel, and administrators;

“(C) the acquisition or development of technology-enhanced curricula and instructional materials that are aligned with challenging State content and student performance standards; and

“(D) the acquisition or development and implementation of high-quality professional development for teachers in the use of technology and its integration with challenging State content and student performance standards.

#### “SEC. 6002. DEFINITIONS OF STATE.

“In this title:

“(1) AUTHENTIC TASK.—The term ‘authentic task’ means a real world task that—

“(A) is challenging, meaningful, multidisciplinary, and interactive;

“(B) involves reasoning, problem solving, and composition; and

“(C) is not a discrete component skill that has no obvious connection with students' activities outside of school.

“(2) STATE.—The term ‘State’ means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

#### “SEC. 6003. PROGRAMS AUTHORIZED.

“(a) GRANTS AUTHORIZED.—From the amount appropriated under section 6009 for a fiscal year, the Secretary shall award a grant to each State educational agency having a State plan approved under section 6005(a)(4) to enable the State educational agency to award grants to local educational agencies in the State.

“(b) RESERVATIONS AND ALLOTMENTS.—

“(1) RESERVATIONS.—From the amount appropriated under section 6009 for a fiscal year, the Secretary shall reserve—

“(A) not more than ½ of 1 percent of such amount for payments to the Bureau of Indian Affairs for activities, approved by the Secretary, consistent with this title;

“(B) not more than ½ of 1 percent of such amounts for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this title as

determined by the Secretary, for activities, approved by the Secretary, consistent with this title; and

“(C) such sums as may be necessary to continue to support any multiyear award made under titles III, IV, V (part B), or X (as such titles were in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) until the completion of the multiyear award.

“(2) STATE ALLOTMENTS.—

“(A) IN GENERAL.—From the amount appropriated under section 6009 for a fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall allot to each State having a State plan approved under section 6005(a)(4) the sum of—

“(i) an amount that bears the same relationship to 50 percent of the remainder as the amount the State received under part A of title I bears to the amount all States received under such part; and

“(ii) an amount that bears the same relationship to 50 percent of the remainder as the school-age population in the State bears to the school-age population in all States.

“(B) DATA.—For the purposes of determining the school-age population in a State and in all States, the Secretary shall use the latest available Bureau of the Census data.

“(c) STATE MINIMUM.—For any fiscal year, no State shall be allotted under this section an amount that is less than 0.4 percent of the total amount allotted to all States under subsection (b)(2).

“(d) HOLD-HARMLESS AMOUNTS.—For fiscal year 2001, notwithstanding subsection (e), the amount allotted to each State under this section shall be not less than 100 percent of the total amount the State was allotted in formula grants under titles III, IV, and VI (as such titles were in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for the preceding fiscal year.

“(e) RATABLE REDUCTIONS.—If the sums made available under subsection (b)(2)(A) for any fiscal year are insufficient to pay the full amounts that all State educational agencies are eligible to receive under that subsection for such year, the Secretary shall ratably reduce such amounts for such year.

#### “SEC. 6004. WITHIN STATE ALLOCATION.

“(a) SHORT TITLE.—Each State educational agency for a State receiving a grant award under section 6003(b)(2) shall—

“(1) set aside not more than 1 percent of the grant funds for the cost of administering the activities under this title;

“(2) set aside not more than 4 percent of the grant funds to—

“(A) provide for the establishment of high-quality, internationally competitive content and student performance standards and strategies that all students will be expected to meet;

“(B) provide for the establishment of high-quality, rigorous assessments that include multiple measures and demonstrate comprehensive knowledge;

“(C) encourage and enable all State educational agencies and local educational agencies to develop, implement, and strengthen comprehensive education improvement plans that address student achievement, teacher quality, parent involvement, and reliable measurement and evaluation methods; and

“(D) encourage and enable all States to develop and implement value-added assessments, including model value-added assessments identified by the Secretary under section 7004(a)(6); and

“(3) using the remaining 95 percent of the grant funds, make grants by allocating to

each local educational agency in the State having a local educational agency plan approved under section 6005(b)(3) the sum of—

“(A) an amount that bears the same relationship to 50 percent of such remainder as the amount the local educational agency received under part A of title I bears to the amount all local educational agencies in the State received under such part; and

“(B) an amount that bears the same relationship to 50 percent of such remainder as the school-age population in the area served by the local educational agency bears to the school-age population in the area served by all local educational agencies in the State.

“(b) MATCHING REQUIREMENT.—

“(1) IN GENERAL.—Each eligible local educational agency receiving a grant under subsection (a) shall contribute resources with respect to the local authorized activities to be assisted under this title in case or in-kind from non-Federal sources in an amount equal to 25 percent of the Federal funds awarded under the grant.

“(2) WAIVER.—A local educational agency may apply to the State educational agency may grant a waiver of the requirements of paragraph (1) to a local educational agency that—

“(A) applies for such a waiver; and

“(B) demonstrates extreme circumstances for being unable to meet such requirements.

#### “SEC. 6005. PLANS.

“(a) STATE PLANS.—

“(1) IN GENERAL.—The State educational agency for each State desiring a grant under this title shall submit a State plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 8302.

“(3) CONTENTS.—Each plan submitted under paragraph (1) shall—

“(A) describe how the State educational agency will assist each local educational agency and school served under this title to comply with the requirements described in section 6006 that are applicable to the local educational agency or school;

“(B) certify that the State has in place the standards and assessments required under section 1111;

“(C) certify that the State educational agency has a system, as required under section 1111, for—

“(i) holding each local educational agency and school accountable for adequate yearly progress (as defined in section 1111(b)(2)(B));

“(ii) identifying local educational agencies and schools that are in need of improvement and corrective action (as required in sections 1116 and 1117);

“(iii) assisting local educational agencies and schools that are identified for improvement with the development of improvement plans; and

“(iv) providing technical assistance, professional development, and other capacity building as needed to get such agencies and schools out of improvement status;

“(D) certify that the State educational agency shall use the disaggregated results of student assessments required under section 1111(b)(4), and other measures or indicators available, to review annually the progress of each local educational agency and school served under this title to determine whether or not each such agency and school is making adequate yearly progress as required under section 1111;

“(E) certify that the State educational agency will take action against a local educational agency that is in corrective action and receiving funds under this title as described in section 6006(d)(1);

“(F) describe what, if any, State and other resources will be provided to local educational agencies and schools served under this title to carry out activities consisted with this title; and

“(G) certify that the State educational agency has a system to hold local educational agencies accountable for meeting the annual performance objectives required under subsection (b)(2)(C).

“(4) APPROVAL.—The Secretary, using a peer review process, shall approve a State plan if the State plan meets the requirements of this subsection.

“(5) DURATION OF THE PLAN.—Each State plan shall remain in effect for the duration of the State's participation under this title.

“(6) REQUIREMENT.—A State shall not be eligible to receive funds under this title unless the State has established the standards and assessments required under section 1111.

“(b) LOCAL PLANS.—

“(1) IN GENERAL.—Each local educational agency shall annually submit a local educational agency plan to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

“(2) CONTENTS.—Each local educational agency shall—

“(A) describe the programs for which funds allocated under section 6004(3) will be used and the reasons for the selection of such programs;

“(B) describe the methods the local educational agency will use to measure the annual impact of programs described under subparagraph (A) and the extent to which such programs will increase student academic performance;

“(C) describe the annual, quantifiable, and measurable performance goals and objectives for each program described under subparagraph (A) and the extent to which such goals and objectives are aligned with State content and student performance standards;

“(D) describe how the local educational agency will hold schools accountable for meeting the intended performance objectives for each program described under subparagraph (C);

“(E) provide an assurance that the local educational agency has met the local plan requirements described in section 1112 for—

“(i) holding schools accountable for adequate yearly progress, including meeting annual numerical goals for improving the performance of all groups of students based on the student performance standards set by the State under section 1111(b)(1)(D)(ii);

“(ii) identifying schools for school improvement or corrective action;

“(iii) fulfilling the local educational agency's school improvement responsibilities described in section 1116, including taking corrective actions under section 1116(c)(10); and

“(iv) providing technical assistance, professional development, or other capacity building to schools served by the agency;

“(F) certify that the local educational agency will take action against a school that is in corrective action and receiving funds under this title as described under section 6006(d)(2);

“(G) describe what State and local resources will be contributed to carrying out programs described under subparagraph (A);

“(H) provide assurances that the local educational agency consulted, at a minimum, with parents, school board members, teachers, administrators, business partners, education organizations, and community groups to develop the local educational plan and select the programs to be assisted under this title; and

“(J) provide assurances that the local educational agency will continue such consultation on a regular basis and will provide the

State with annual evidence of such consultation.

“(3) APPROVAL.—The State, using a peer review process, shall approve a local educational agency plan if the plan meets the requirements of this subsection.

“(4) DURATION OF THE PLAN.—Each local educational agency plan shall remain in effect for the duration of the local educational agency's participation under this title.

“(5) PUBLIC REVIEW.—Each State educational agency will make publicly available each local educational agency plan approved under paragraph (3).

#### “SEC. 6006. LOCAL USES OF FUNDS AND ACCOUNTABILITY.

“(a) ADMINISTRATIVE EXPENSES.—Each local educational agency receiving a grant award under section 6004(3) may use not more than 1 percent of the grant funds for any fiscal year for the cost of administering this title.

“(b) REQUIRED ACTIVITIES.—Each local educational agency receiving a grant award under section 6004(3) shall use the grant funds pursuant to this subsection to establish and carry out programs that are designed to achieve, separately or cumulatively, each of the goals described in the category areas described in paragraphs (1) through (4).

“(1) SCHOOL IMPROVEMENT.—Each local educational agency shall use 30 percent of the grant funds—

“(A) in the case of a school that has been identified as being in need of improvement under section 1116(c), for activities or strategies that are described in section 1116(c) that focus on removing such school from improvement status; or

“(B) for programs that seek to raise the academic achievement levels of all elementary school and secondary school students based on challenging State content and student performance standards and, to the greatest extent possible,—

“(i) incorporate the best practices developed from research-based methods and practices;

“(ii) are aligned with challenging State content and performance standards and focused on reinforcing and boosting the core academic skills and knowledge of students who are struggling academically, as determined by State assessments under section 1111(b)(4) and local evaluations;

“(iii) focus on accelerated learning rather than remediation, so that students will master the high level of skills and knowledge needed to meet the highest State standards or to perform at high levels on all State assessments;

“(iv) offer teachers, principals, and administrators professional development and technical assistance that are aligned with the content of such programs; and

“(v) address local needs, as determined by the local educational agency's evaluation of school and districtwide data.

“(2) 21ST CENTURY OPPORTUNITIES.—Each local educational agency shall use 25 percent of the grant funds for—

“(A) programs that provide for extra learning, time, and opportunities for students so that all students may achieve high levels of learning and meet the State proficient standard level within 10 years of the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

“(B) programs to improve higher order thinking skills of all students, especially disadvantaged students;

“(C) promising innovative education reform projects that are consistent with challenging State content and student performance standards; or

“(D) programs that focus on ensuring that disadvantaged students enter elementary

school with the basic skills needed to meet the highest State content and student performance standards.

“(3) **SAFE LEARNING ENVIRONMENTS.**—Each local educational agency shall use 15 percent of the grant funds for programs that help ensure that all elementary school and secondary school students learn in a safe and supportive environment by—

“(A) reducing drugs, violence, and other high-risk behavior in schools;

“(B) providing safe, extended-day opportunities for students;

“(C) providing professional development activities for teachers, principals, mental health professionals, and guidance counselors in dealing with students exhibiting distress (such as substance abuse, disruptive behavior, and suicidal behavior);

“(D) recruiting or retaining high-quality mental health professionals;

“(E) providing character education for students; or

“(F) meeting other objectives that are established under State standards regarding safety or that address local community concerns.

“(4) **NEW ECONOMY TECHNOLOGY SCHOOLS.**—

“(A) **IN GENERAL.**—Each local educational agency shall use 30 percent of the grant funds to establish technology programs that will transform schools into New Economy Technology Schools (NETs) and, to the greatest extent possible, will—

“(i) increase student performance related to an authentic task;

“(ii) integrate the use of technology into activities that are a core part of classroom curricula and are available to all students;

“(iii) emphasize how to use technology to accomplish authentic tasks;

“(iv) provide professional development and technical assistance to teachers so that teachers may integrate technology into daily teaching activities that are directly aligned with State content and student performance standards; and

“(v) enable the local educational agency annually to increase the percentage of classrooms with access to technology, particularly in schools in which not less than 50 percent of the school-age population comes 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.

“(B) **LIMITATION.**—Each local educational agency shall use not more than 50 percent of the grant funds described in subparagraph (A) to purchase, upgrade, or retrofit computer hardware in schools in which not less than 50 percent of the school-age population comes from families at or below the poverty line, as defined in subparagraph (A)(v).

“(C) **TRANSFER OF FUNDS.**—Notwithstanding subsection (b)—

“(1) a local educational agency that meets adequate yearly progress requirements for student performance, as established by the State educational agency under section 1111, may allocate, at the local educational agency's discretion, not more than 30 percent of the grant funds received under section 6004(3) among the 4 funding categories described in subsection (b);

“(2) a local educational agency that exceeds the adequate yearly progress requirements described in paragraph (1) by a significant amount, as determined by the State educational agency, may allocate, at the local educational agency's discretion, not more than 50 percent of the grant funds received under section 6004(3) among the 4 funding categories described in subsection (b); and

“(3) a local educational agency that is identified as in need of improvement, as defined under section 1117, may apply not more than 25 percent of the grant funds described in subsection (b) (2), (3), or (4) to school improvement activities described in subsection (b)(1).

“(d) **LIMITATIONS FOR SCHOOLS AND LOCAL EDUCATIONAL AGENCIES IN CORRECTIVE ACTION.**—

“(1) **LOCAL EDUCATIONAL AGENCIES IN CORRECTIVE ACTION.**—If a local educational agency is identified for corrective action under section 1116(d), the State educational agency shall—

“(A) notwithstanding any other provision of law, specify how the local educational agency shall spend the grant funds in order to focus the local educational agency on activities that will be the most effective in raising student performance levels; and

“(B) implement corrective action in accordance with the provisions for corrective action described in section 1116(d).

“(2) **SCHOOLS IN CORRECTIVE ACTION.**—If a school is identified for corrective action under section 1116(c), the local educational agency shall—

“(A) specify how the school shall spend grant funds received under this section in order to focus on activities that will be the most effective in raising student performance levels; and

“(B) implement corrective action in accordance with the provisions for corrective action described in section 1116(c)(10).

“(3) **DURATION.**—Limitations imposed on schools and local educational agencies in corrective action under paragraphs (1) and (2) shall remain in effect until such time as the school or local educational agency has made sufficient improvement, as determined by the State educational agency, and is no longer in corrective action.

**“SEC. 6007. STATE AND LOCAL RESPONSIBILITIES.**

“(a) **DATA REVIEW.**—

“(1) **STATE AND LOCAL REVIEW.**—A State educational agency shall jointly review with a local educational agency described in section 6006(d)(1) the local educational agency's data gathered from student assessments and other measures required under section 1111(b)(4), in order to determine how the local educational agency shall spend the grant funds pursuant to section 6006(d)(1)(A) in order to substantially increase student performance levels.

“(2) **SCHOOL AND LOCAL REVIEW.**—A local educational agency shall jointly review with a school described in section 6006(d)(2) the school's data gathered from student assessments and other measures required under section 1111(b)(4), in order to determine how the school shall spend grant funds pursuant to section 6006(d)(2) in order to substantially increase student performance levels.

“(b) **TECHNICAL ASSISTANCE.**—

“(1) **STATE ASSISTANCE.**—

“(A) A State educational agency shall provide, upon request by a local educational agency receiving grant funds under this title, technical assistance to the local educational agency and schools served by the local educational agency, including assistance in analyzing student performance and the impact of programs assisted under this title and identifying the best instructional strategies and methods for carrying out such programs.

“(B) State assistance may be provided by—

“(i) the State educational agency; or

“(ii) with the local educational agency's approval, by an institution of higher education, a private not-for-profit or for-profit organization, an educational service agency, the recipient of a Federal contract or cooperative agreement as described in section 7005,

a nontraditional entity such as a corporation or consulting firm, or any other entity with experience in the program area for which the assistance is being sought.

“(2) **LOCAL ASSISTANCE.**—

“(A) A local educational agency shall provide, upon request by an elementary school or secondary school served by the agency, technical assistance to such school, including assistance in analyzing student performance and the impact of programs assisted under this title, and identifying the best instructional strategies and methods for carrying out such programs.

“(B) Local assistance may be provided by—

“(i) the State educational agency or local educational agency; or

“(ii) with the school's approval, by an institution of higher education, a private not-for-profit or for-profit organization, an educational service agency, the recipient of a Federal contract or cooperative agreement as described in section 7005, a nontraditional entity such as a corporation or consulting firm, or any other entity with experience in the program area for which the assistance is being sought.

**“SEC. 6008. LOCAL REPORTS.**

“Each local educational agency receiving funds under this title shall annually publish and disseminate to the public in a format and, to the extent practicable, in a language that parents can understand, a report on—

“(1) information describing the use of funds in the 4 category areas described in section 6006(b);

“(2) the impact of such programs and an assessment of such programs' effectiveness; and

“(3) the local educational agency's progress toward attaining the goals and objectives described under section 6005(b), and the extent to which programs assisted under this title have increased student achievement.

**“SEC. 6009. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this title \$2,700,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.”

## TITLE VII—ACCOUNTABILITY

### SEC. 701. ACCOUNTABILITY.

Title VII of the Act (20 U.S.C. 7401 et seq.) is amended to read as follows:

#### “TITLE VII—ACCOUNTABILITY

##### “SEC. 7001. SANCTIONS.

“(a) **THIRD FISCAL YEAR.**—If performance objectives established under a covered provision have not been met by a State receiving grant funds under such provision by the end of the third fiscal year for which the State receives such grant funds, the Secretary shall reduce by 50 percent the amount the State is entitled to receive for administrative expenses under such provision.

“(b) **FOURTH FISCAL YEAR.**—If the State fails to meet the performance objectives established under a covered provision by the end of the fourth fiscal year for which the State receives grant funds under the covered provision, the Secretary shall reduce the total amount the State receives under title VI by 30 percent.

“(c) **DURATION.**—If the Secretary determines, under subsection (a) or (b), that a State failed to meet the performance objectives established under a covered provision for a fiscal year, the Secretary shall reduce grant funds in accordance with subsection (a) or (b) for the State for each subsequent fiscal year until the State demonstrates that the State met the performance objectives for the fiscal year preceding the demonstration.

“(d) **TECHNICAL ASSISTANCE.**—The Secretary shall provide technical assistance, if



sought, to a State subjected to sanctions under subsection (a) or (b).

**“(e) LOCAL SANCTIONS.—**

**“(1) IN GENERAL.—**Each State receiving assistance under title I, II, III, or VI shall develop a system to hold local educational agencies accountable for meeting—

**“(A)** the performance objectives established under part A of title II, part A of title III, and title VI; and

**“(B)** the adequate yearly progress requirements established under part A of title I, and required under part A of title III and title VI.

**“(2) SANCTIONS.—**A system developed under paragraph (c) shall include a mechanism for sanctioning local educational agencies for low performance with regard to failure to meet such performance objectives and adequate yearly progress levels.

**“(f) DEFINITIONS.—**In this section:

**“(1) COVERED PROVISION.—**The term ‘covered provision’ means part A of title I, part A of title II, part A of title III, and section 6005(b)(2)(C).

**“(2) PERFORMANCE OBJECTIVES.—**The term ‘performance objectives’ means in the case of—

**“(A)** part A of title I, the adequate yearly progress levels established under subsections (b)(2)(A)(iii) and (b)(2)(B) of section 1111;

**“(B)** part A of title II, the set of performance objectives established in section 2014;

**“(C)** part A of title III, the set of performance objectives established in section 3109; and

**“(D)** title VI, the set of performance objectives set by each local educational agency in section 6005(b)(2)(C).

**“SEC. 7002. REWARDING HIGH PERFORMANCE.**

**“(a) STATE REWARDS.—**

**“(1) IN GENERAL.—**From amounts appropriated under subsection (d), and from amounts made available as a result of reductions under section 7001, the Secretary shall make awards to States that—

**“(A)** for 3 consecutive years have—

**“(i)** exceeded the States’ performance objectives established for any title under this Act;

**“(ii)** exceeded their adequate yearly progress levels established in section 1111(b);

**“(iii)** significantly narrowed the gaps between minority and non-minority students, and between economically disadvantaged and non-economically disadvantaged students;

**“(iv)** raised all students to the proficient standard level prior to 10 years from the date of enactment of the Public Education Reinvestment, Reinvestment, and Responsibility Act; or

**“(v)** significantly increased the percentage of core classes being taught by fully qualified teachers teaching in schools receiving funds under part A of title I; or

**“(B)** by not later than fiscal year 2003, ensure that all teachers teaching in the States’ public elementary schools and secondary schools are fully qualified.

**“(2) STATE USE OF FUNDS.—**

**“(A) DEMONSTRATION SITES.—**Each State receiving an award under paragraph (1) shall use a portion of the award that is not distributed under subsection (b) to establish demonstration sites with respect to high-performing schools (based on achievement or performance levels) objectives and adequate yearly progress in order to help low-performing schools.

**“(B) IMPROVEMENT OF PERFORMANCE.—**Each State receiving an award under paragraph (1) shall use the portion of the award that is not used pursuant to subparagraph (A) or (C) and is not distributed under subsection (b) for the purpose of improving the level of performance of all elementary and secondary

school students in the State, based on State content and performance standards.

**“(C) RESERVATION FOR ADMINISTRATIVE EXPENSES.—**Each State receiving an award under paragraph (1) may set aside not more than  $\frac{1}{2}$  of 1 percent of the award for the planning and administrative costs of carrying out this section, including the costs of distributing awards to local educational agencies.

**“(b) LOCAL EDUCATIONAL AGENCY AWARDS.—**

**“(1) IN GENERAL.—**Each State receiving an award under subsection (a)(1) shall distribute 80 percent of the award funds to local educational agencies in the State that—

**“(A)** for 3 consecutive years have—

**“(i)** exceeded the State-established local educational agency performance objectives established for any title under this Act;

**“(ii)** exceeded the adequate yearly progress level established under section 1111(b)(2);

**“(iii)** significantly narrowed the gaps between minority and nonminority students, and between economically disadvantaged and noneconomically disadvantaged students;

**“(iv)** raised all students enrolled in schools within the local educational agency to the proficient standard level prior to 10 years from the date of enactment of the Public Education Reinvestment, Reinvestment, and Responsibility Act; or

**“(v)** significantly increased the percentage of core classes being taught by fully qualified teachers teaching in schools receiving funds under part A of title I; or

**“(B)** not later than December 31, 2003, ensured that all teachers teaching in the elementary schools and secondary schools served by the local educational agencies are fully qualified; or

**“(C)** have attained consistently high achievement in another area that the State deems appropriate to reward.

**“(2) SCHOOL-BASED PERFORMANCE AWARDS.—**A local educational agency may use funds made available under paragraph (1) for activities such as school-based performance awards.

**“(3) RESERVATION FOR ADMINISTRATIVE EXPENSES.—**Each local educational agency receiving an award under paragraph (1) may set aside not more than  $\frac{1}{2}$  of 1 percent of the award for the planning and administrative costs of carrying out this section, including the costs of distributing awards to eligible elementary schools and secondary schools, teachers, and principals.

**“(c) SCHOOL REWARDS.—**Each local educational agency receiving an award under subsection (b) shall consult with teachers and principals to develop a reward system, and shall use the award funds—

**“(1)** to reward individual schools that demonstrate high performance with respect to—

**“(A)** increasing the academic achievement of all students;

**“(B)** narrowing the academic achievement gap described in section 1111(b)(2)(B)(vii);

**“(C)** improving teacher quality;

**“(D)** increasing high-quality professional development for teachers, principals, and administrators; or

**“(E)** improving the English proficiency of limited English proficient students;

**“(2)** to reward collaborative teams of teachers, or teams of teachers and principals, that—

**“(A)** significantly increase the annual performance of low-performing students; or

**“(B)** significantly improve in a fiscal year the English proficiency of limited English proficient students;

**“(3)** to reward principals who successfully raise the performance of a substantial number of low-performing students to high academic levels;

**“(4)** to develop or implement school district-wide programs or policies to increase the level of student performance on State assessments that are aligned with State content standards; and

**“(5)** to reward schools for consistently high achievement in another area that the local educational agency deems appropriate to reward.

**“(d) AUTHORIZATION OF APPROPRIATIONS.—**There are authorized to be appropriated to carry out this section \$200,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

**“(e) DEFINITION.—**The term ‘low-performing student’ means students who are below the basic State standard level.

**“SEC. 7003. SUPPLEMENT NOT SUPPLANT.**

**“A** State educational agency and local educational agency shall use funds under this title to supplement, and, not supplant, Federal, State, and local funds that, in the absence of funds under this title, would otherwise be spent for activities of the type described in section 7002.

**“SEC. 7004. SECRETARY’S ACTIVITIES.**

**“(a) IN GENERAL.—**Notwithstanding any other provision of this Act, from amounts appropriated under subsection (b) and not reserved under subsection (c), the Secretary may—

**“(1)** support activities of the National Board for Professional Teaching Standards;

**“(2)** study and disseminate information regarding model programs assisted under this Act;

**“(3)** provide training and technical assistance to States, local educational agencies, elementary schools and secondary schools, Indian tribes, and other recipients of grant funds under this Act that are carrying out activities assisted under this Act, including entering into contracts or cooperative agreements with public or private nonprofit entities or consortia of such entities, in order to provide comprehensive training and technical assistance related to the administration and implementation of activities assisted under this Act;

**“(4)** support activities that will promote systemic education reform at the State and local levels;

**“(5)** award grants or contracts to public or private nonprofit entities to enable the entities—

**“(A)** to develop and disseminate exemplary reading, mathematics, science, and technology educational practices, and instructional materials to States, local educational agencies, and elementary schools and secondary schools; and

**“(B)** to provide technical assistance for the implementation of teaching methods and assessment tools for use by elementary schools and secondary school students, teachers, and administrators;

**“(6)** disseminate information on models of value-added assessments;

**“(7)** award a grant or contract to a public or private nonprofit entity or consortium of such entities for the development and dissemination of exemplary programs and curricula for accelerated and advanced learning for all students, including gifted and talented students;

**“(8)** award a grant or contract with Reading Is Fundamental, Inc. and other public or private nonprofit entities to support and promote programs which include the distribution of inexpensive books to students and literacy activities that motivate children to read; and

**“(9)** provide assistance to States—

**“(A)** by assisting in the development of English language development standards and high-quality assessments, if requested by a State participating in activities under subsection A of title III; and

“(B) by developing native language tests for limited English proficient students that a State may administer to such students to assess student achievement in at least reading, science, and mathematics, consistent with section 1111.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$150,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(c) RESERVATION.—From the amounts appropriated under subsection (b) the Secretary shall reserve \$10,000,000 for the purposes of carrying out activities under section 1202(c).

“(d) SPECIAL RULE FOR SECRETARY AWARDS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this Act, a recipient of funds provided under a direct award made by the Secretary, or a contract or cooperative agreement entered into with the Secretary, shall include the following in any application or plan required under such programs:

“(A) How funds provided under the program will be used and how such use will increase student academic achievement.

“(B) The goals and objectives to be met, including goals for dissemination and use of the information or materials produced.

“(C) How the recipient will track and report annually to the Secretary—

“(i) the successful dissemination of information or materials produced;

“(ii) where information or materials produced are being used; and

“(iii) what is the impact of such use and, if applicable, the extent to which such use increased student academic achievement.

“(2) REQUIREMENT.—If no application or plan is required under a program, contract, or cooperative agreement described in paragraph (1), the Secretary shall require the recipient of funds to submit a plan containing the information required under paragraph (1).

“(3) FAILURE TO ACHIEVE GOALS AND OBJECTIVES.—

“(A) IN GENERAL.—The Secretary shall evaluate the information submitted under this subsection to determine whether the recipient has met the goals and objectives described in paragraph (1)(B), assess the magnitude of dissemination, and assess the effectiveness of the activity funded in raising student academic achievement in places where information or materials produced with such funds are used.

“(B) INELIGIBILITY.—The Secretary shall consider the recipient ineligible for future grants under the program, contract, or cooperative agreement described in paragraph (1) if—

“(i) the goals and objectives described in paragraph (1)(B) have not been met;

“(ii) dissemination has not been of a magnitude to ensure national goals are being addressed; and

“(iii) the information or materials produced have not made a significant impact on raising student academic achievement in places where such information or materials are used.”

#### **TITLE VIII—GENERAL PROVISIONS AND REPEALS**

##### **SEC. 801. REPEALS, TRANSFERS, AND REDESIGNATIONS REGARDING TITLES VIII AND XIV.**

(a) IN GENERAL.—The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by inserting after title VII the following:

#### **“TITLE VIII—GENERAL PROVISIONS”;**

(2) by repealing sections 14514 and 14603 (20 U.S.C. 8904, 8923);

(3)(A) by transferring title XIV (20 U.S.C. 8801 et seq.) to title VIII and inserting such

title after the title heading for title VIII; and

(B) by striking the title heading for title XIV;

(4)(A) by redesignating part H of title VIII (as redesignated by paragraph (3)) as part I of title VIII; and

(B) by redesignating the references to part H of title VIII as references to part I of title VIII;

(5) by inserting after part G of title VIII the following:

#### **“PART H—SUPPLEMENT, NOT SUPPLANT**

##### **“SEC. 8801. SUPPLEMENT, NOT SUPPLANT.**

“A State educational agency or local educational agency shall use funds received under the Act to supplement, and not supplant, State and local funds that, in the absence of funds under this Act, would otherwise be spent for activities under this Act.”;

(6) by redesignating the references to title XIV as references to title VIII;

(7)(A) by redesignating sections 14101 through 14103 (20 U.S.C. 8801, 8803) (as transferred by paragraph (3)) as sections 8101 through 8103, respectively; and

(B) by redesignating the references to such sections 14101 through 14103 as references to sections 8101 through 8103, respectively;

(8)(A) by redesignating sections 14201 through 14206 (20 U.S.C. 8821, 8826) (as transferred by paragraph (3)) as sections 8201 through 8206, respectively; and

(B) by redesignating the references to such sections 14201 through 14206 as references to sections 8201 through 8206, respectively;

(9)(A) by redesignating sections 14301 through 14307 (20 U.S.C. 8851, 8857) (as transferred by paragraph (3)) as sections 8301 through 8307, respectively; and

(B) by redesignating the references to such sections 14301 through 14307 as references to sections 8301 through 8307, respectively;

(10)(A) by redesignating section 14401 (20 U.S.C. 8881) (as transferred by paragraph (3)) as section 8401; and

(B) by redesignating the references to such section 14401 as references to section 8401;

(11)(A) by redesignating sections 14501 through 14513 (20 U.S.C. 8891, 8903) (as transferred by paragraph (3)) as sections 8501 through 8513, respectively; and

(B) by redesignating the references to such sections 14501 through 14513 as references to sections 8501 through 8513, respectively;

(12)(A) by redesignating sections 14601 and 14602 (20 U.S.C. 8921, 8922) (as transferred by paragraph (3)) as sections 8601 and 8602, respectively; and

(B) by redesignating the references to such sections 14601 and 14602 as references to sections 8601 and 8602, respectively;

(13)(A) by redesignating section 14701 (20 U.S.C. 8941) (as transferred by paragraph (3)) as section 8701; and

(B) by redesignating the references to such section 14701 as references to section 8701; and

(14)(A) by redesignating sections 14801 and 14802 (20 U.S.C. 8961, 8962) (as transferred by paragraph (3)) as sections 8901 and 8902, respectively; and

(B) by redesignating the references to such sections 14801 and 14802 as references to sections 8901 and 8902, respectively.

(b) AMENDMENTS.—Title VIII (as so transferred and redesignated) is amended—

(1) in section 8101(10) (as redesignated by subsection (a)(7))—

(A) by striking subparagraphs (C) through (F); and

(B) by adding after subparagraph (B) the following:

“(C) part A of title II;

“(D) part A of title III; and

“(E) title IV.”;

(2) in section 8102 (as redesignated by subsection (a)(7)), by striking “VIII” and inserting “V”;

(3) in section 8201 (as redesignated by subsection (a)(8))—

(A) in subsection (a)(2), by striking “, and administrative funds under section 308(c) of the Goals 2000: Educate America Act”;

(B) by striking subsection (f);

(4) in section 8203(b) (as redesignated by subsection (a)(8)), by striking “Improving America’s Schools Act of 1994” and inserting “Public Education Reinvestment, Reinvention, and Responsibility Act”;

(5) in section 8204 (as redesignated by subsection (a)(8))—

(A) by striking subsection (b); and

(B) in subsection (a)—

(i) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking “1995” and inserting “2001”;

(II) in subparagraph (B), by inserting “professional development,” after “curriculum development,”; and

(ii) in paragraph (4)—

(I) by striking “and section 410(b) of the Improving America’s Schools Act of 1994”; and

(II) by striking “paragraph (2)” and inserting “subsection (a)(2)”;

(III) by striking the following:

“(4) RESULTS.—” and inserting the following:

“(b) RESULTS.—”;

(IV) by striking the following:

“(A) develop” and inserting the following:

“(1) develop”; and

(V) by striking the following:

“(B) within” and inserting the following:

“(2) within”;

(6) in section 8205(a)(1) (as redesignated by subsection (a)(8)), by striking “part A of title IX” and inserting “part B of title III”;

(7) in section 8206 (as redesignated by subsection (a)(8))—

(A) by striking “(a) UNNEEDED PROGRAM FUNDS.—”; and

(B) by striking subsection (b);

(8) in section 8302(a)(2) (as redesignated by subsection (a)(9))—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively;

(9) in section 8304(b) (as redesignated by subsection (a)(9)), by striking “Improving America’s Schools Act of 1994” and inserting “Public Education Reinvestment, Reinvention, and Responsibility Act”;

(10) in section 8401 (as redesignated by subsection (a)(10))—

(A) in subsection (a), by striking “Except as provided in subsection (c),” and inserting “Notwithstanding any other provision regarding waivers in this Act and except as provided in subsection (c),”; and

(B) in subsection (c)(8), by striking “part C of title X” and inserting “part B of title IV”;

(11) in section 8502 (as redesignated by subsection (a)(11)), by striking “VIII” and inserting “V”;

(12) in section 8503(b)(1) (as redesignated by subsection (a)(11))—

(A) by striking subparagraphs (B) through (E);

(B) by redesignating subparagraph (A) as subparagraph (B);

(C) by inserting before subparagraph (B) the following:

“(A) part A of title I.”; and

(D) by adding at the end the following:

“(C) title II;

“(D) title III;

“(E) title VI.”; and

(13) in section 8506(d) (as redesignated by subsection (a)(11)), by striking “Improving America’s Schools Act of 1994” and inserting

"Public Education Reinvestment, Reinvention, and Responsibility Act";

(14) in section 8513 (as redesignated by subsection (a)(11)), by striking "Improving America's Schools Act of 1994" each place it appears and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act";

(15) in section 8601 (as redesignated by subsection (a)(12))—

(A) in subsection (b)(3)—

(i) in subparagraph (A), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act"; and

(ii) in subparagraph (B), by striking "Improving America's Schools Act" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act"; and

(B) in subsection (f), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act"; and

(16) in section 8701(b) (as redesignated by subsection (a)(13))—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) in clause (i), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act";

(II) in clause (ii), by striking "such as the initiatives under the Goals 2000: Educate America Act, and" and inserting "under"; and

(III) in clause (v), by striking ", the Advisory Council on Education Statistics, and the National Education Goals Panel" and inserting "and the Advisory Council on Education Statistics"; and

(ii) in subparagraph (C)(ii), by striking "the School-to-Work Opportunities Act of 1994, and the Goals 2000: Educate America Act" and inserting "and the School-to-Work Opportunities Act of 1994"; and

(B) in paragraph (3), by striking "1998" and inserting "2004".

#### SEC. 802. OTHER REPEALS.

Titles V, X, XI, XII, and XIII (20 U.S.C. 7201 et seq., 8001 et seq., 8401 et seq., 8501 et seq., 8601 et seq.) and the Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.) are repealed.

#### HELMS AMENDMENT NO. 3128

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

At the end, add the following:

#### SEC. \_\_\_\_ FUNDING CONTINGENT ON RESPECT FOR CONSTITUTIONALLY PERMISSIBLE SCHOOL PRAYER.

(a) SHORT TITLE.—This section may be cited as the "Voluntary School Prayer Protection Act".

(b) PROHIBITION.—Notwithstanding any other provision of law, no funds made available through the Department of Education shall be provided to any State, or local educational agency, that has a policy of denying, or that effectively prevents participation in, prayer permissible under the Constitution in public schools by individuals on a voluntary basis.

(c) SPECIAL RULES.—No person shall be required to participate in prayer in a public school. No State, or local educational agency, shall influence the form or content of any prayer by a student that is permissible under the Constitution in a public school.

#### BIDEN AMENDMENT NO. 3129

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

At the appropriate place, insert the following:

(a) The Senate finds that:

tens of millions of Americans have served in the Armed Forces of the United States during the past century;

hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining our freedoms and way of life;

the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in our Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations; and

our system of civilian control of the Armed Forces makes it essential that the country's future leaders understand the history of military action and the contributions and sacrifices of those who conduct such actions.

(b) It is the sense of the Senate that—

(1) the Secretary of Education should work with the Secretary of Veterans Affairs, the Veterans Day National Committee, and the veterans service organizations to encourage, prepare, and disseminate educational materials and activities for elementary and secondary school students aimed at increasing awareness of the contributions of veterans to the prosperity and freedoms enjoyed by United States citizens;

(2) the week that includes Veterans Day be designated as "National Veterans Awareness Week" for the purpose of presenting such materials and activities; and

(3) the President should issue a proclamation calling on the people of the United States to observe such week with appropriate educational activities.

#### GRAMS AMENDMENT NO. 3130

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

On page 31, between lines 3 and 4, insert the following:

(E) by adding at the end the following:

"(9) Notwithstanding the preceding paragraphs of this subsection—

"(A) a State may develop or adopt alternative sets of standards and assessments; and

"(B) a State plan shall be considered as satisfying the requirements of this subsection if the plan allows local educational agencies to conduct assessments with—

"(i) a national norm-referenced standardized achievement examination; and

"(ii) assessments developed—

"(I) by such agencies; or

"(II) with respect to individual local classrooms.";

#### SESSIONS AMENDMENT NO. 3131

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

On page 922, strike line 18 and insert the following:

"be necessary for each of the 4 succeeding fiscal years.".

#### SEC. 11302. AMENDMENT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by adding at the end the following:

"(n) UNIFORM POLICIES.—Notwithstanding any other provision of this Act, a State educational agency or local educational agency may establish and implement uniform policies with respect to discipline and order applicable to all children in the jurisdiction of such agency to ensure the safety and appropriate educational atmosphere in schools in the jurisdiction of such agency.".

#### ASHCROFT (AND OTHERS)

##### AMENDMENT NO. 3132

(Ordered to lie on the table.)

Mr. ASHCROFT (for himself, Mr. SESSIONS, Mr. BOND, and Mr. HELMS) submitted an amendment intended to be proposed by them to the bill, S. 2, supra; as follows:

On page 922, strike line 18 and insert the following:

be necessary for each of the 4 succeeding fiscal years.

#### PART \_\_—AMENDMENTS

#### SEC. \_\_\_\_ AMENDMENT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) PROCEDURAL SAFEGUARDS.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by adding at the end the following:

"(n) DISCIPLINE BY LOCAL AUTHORITY WITH RESPECT TO ILLEGAL OR UNLAWFUL ITEMS OR SUBSTANCES AND TEACHER ASSAULTS.—

"(1) AUTHORITY OF SCHOOL PERSONNEL WITH RESPECT TO ILLEGAL OR UNLAWFUL ITEMS OR SUBSTANCES AND TEACHER ASSAULTS.—Notwithstanding any other provision of this title, school personnel may discipline (including expel or suspend) a child with a disability in the same manner in which such personnel may discipline a child without a disability if the child with a disability—

"(A) carries, possesses, or distributes any illegal or unlawful item or substance, in violation of a Federal or State law, to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency;

"(B) threatens to carry, possess, or distribute any illegal or unlawful item or substance, in violation of a Federal or State law, to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency; or

"(C) assaults or threatens to assault a teacher, teacher's aid, principal, school counselor, or other school personnel, including independent contractors and volunteers.

"(2) INDIVIDUAL DETERMINATIONS.—In carrying out any disciplinary action described in paragraph (1), school personnel have discretion to consider all germane factors in each individual case and modify any disciplinary action on a case-by-case basis.

"(3) DEFENSE.—Nothing in paragraph (1) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under paragraph (1) from asserting a defense that the alleged act was unintentional or innocent.

"(4) FREE APPROPRIATE PUBLIC EDUCATION.—

"(A) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), or any

other provision of this title, a child expelled or suspended under paragraph (1) shall not be entitled to continued educational services, including a free appropriate public education, under this subsection, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

“(B) PROVIDING EDUCATION.—Notwithstanding subparagraph (A), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under paragraph (1) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

“(i) nothing in this subsection shall be construed to require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

“(ii) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

“(5) RELATIONSHIP TO OTHER REQUIREMENTS.—

“(A) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this subsection.

“(B) PROCEDURE.—None of the procedural safeguards or disciplinary procedures of this Act shall apply to this subsection, and the relevant procedural safeguards and disciplinary procedures applicable to children without disabilities may be applied to the child with a disability in the same manner in which such safeguards and procedures would be applied to children without disabilities.

“(6) DEFINITIONS.—In this subsection, the terms ‘assault’, ‘unintentional’, and ‘innocent’ have the meanings given such terms under State law.”.

(b) CONFORMING AMENDMENTS.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended—

(1) in subsection (f)(1), by striking “Whenever” and inserting the following: “Except as provided in section 615(n), whenever”; and

(2) in subsection (k)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

“(A) In any disciplinary situation except for such situations as described in subsection (n), school personnel under this section may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would apply to children without disabilities).”;

(B) by striking paragraph (3) and inserting the following:

“(3) Any interim alternative educational setting in which a child is placed under paragraph (1) or (2) shall—

“(A) be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child’s current IEP, that will enable the child to meet the goals set out in that IEP; and

“(B) include services and modifications designed to address the behavior described in paragraphs (1) or (2) so that it does not recur.”;

(C) in paragraph (6)(B)—

(i) in clause (i), by striking “(i) In reviewing” and inserting “In reviewing”; and

(ii) by striking clause (ii);

(D) in paragraph (7)—

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

(ii) in subparagraph (B), by striking “paragraph (1)(A)(ii) or”; and

(E) by striking paragraph (10) and inserting the following:

“(10) SUBSTANTIAL EVIDENCE.—The term ‘substantial evidence’ means beyond a preponderance of the evidence.”.

(c) APPLICATION.—The amendments made by this section shall not apply to conduct occurring prior to the date of enactment of this section.

#### SEC. \_\_\_\_ AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Section 6131(b)(1) (as amended by section 601) is amended—

(1) in subparagraph (M), by striking “and”;

(2) in subparagraph (N), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(O) alternative education programs for those students who have been expelled or suspended from their regular educational setting.”.

#### ASHCROFT AMENDMENTS NOS. 3133-3135

(Ordered to lie on the table.)

Mr. ASHCROFT submitted three amendments intended to be proposed by him to the bill, S. 2, *supra*, as follows:

##### AMENDMENT No. 3133

On page 667, line 3, strike the end quotation marks and the second period.

On page 667, between lines 3 and 4, insert the following:

#### “PART I—FUNDING FOR ELEMENTARY AND SECONDARY EDUCATION

##### “SEC. 6901. SHORT TITLE.

“This part may be cited as the ‘Excellent Schools for All Our Children Act’.

##### “SEC. 6902. FINDINGS; PURPOSES.

“(a) FINDINGS.—Congress finds that—

“(1) flexibility when merited and accountability when warranted should be the Federal Government’s approach to the use of Federal education resources; and

“(2) the Federal Government should encourage better, smarter uses of Federal funds where the need is greatest, specifically, in failing school districts, so that children in those school districts will have a real opportunity to achieve academic excellence and create a brighter future for themselves.

“(b) PURPOSES.—The purposes of this part are—

“(1) to promote excellence in elementary and secondary education programs in the Nation;

“(2) to increase parental involvement in the education of their children;

“(3) to boost student achievement in academic subjects to high levels;

“(4) to improve basic skills instruction, and to increase teacher performance and accountability; and

“(5) to improve the academic achievement of students in failing school districts by focusing the resources of the Federal Government upon such achievement.

##### “SEC. 6903. DEFINITION OF FAILING LOCAL EDUCATIONAL AGENCY.

“In this part, the term ‘failing local educational agency’ means a local educational agency that has been classified as unaccredited or failing (or would be so classified if not for a court order or pending court settlement agreement involving the local educational agency) under its State’s

performance-based accreditation or categorization standards.

#### “SEC. 6904. REQUIREMENTS FOR FAILING LOCAL EDUCATIONAL AGENCIES.

“(a) FUNDING.—

“(1) IN GENERAL.—Notwithstanding any other provision of law—

“(A) a failing local educational agency shall use Federal funds made available under the provisions of law described in paragraph (2) only for purposes directly related to improving elementary school and secondary school students’ academic performance consistent with subsection (c);

“(B) the requirements of the provisions of law described in paragraph (2) shall not apply to a failing local educational agency, except as provided in subparagraph (C);

“(C) the allocations of funds to failing local educational agencies under the provisions of law described in paragraph (2) (other than title VI) shall remain in effect; and

“(D) in the case of allocation of funds under title VI to a failing local educational agency for a fiscal year, the failing local educational agency shall receive from the State under title VI for the fiscal year an amount that bears the same relation to the amount made available to the State under title VI for the fiscal year as the amount the local educational agency received from the State under title VI for the fiscal year preceding the fiscal year for which the determination is made bears to the amount made available to the State under title VI for such preceding fiscal year.

“(2) PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are the following:

“(A) Parts A, B, and C of title I.

“(B) Part B of title III.

“(C) Section 5132.

“(D) Title VI.

“(E) Part C of title VII.

“(F) Comprehensive school reform programs as authorized under section 1502 and described on pages 96-99 of the Joint Explanatory Statement of the Committee of Conference included in House Report 105-390 (Conference Report on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998).

“(G) Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act.

“(b) FAILING LOCAL AGENCY PLAN.—

“(1) PLAN REQUIRED.—Each failing local educational agency shall submit a plan to the Secretary at such time and in such manner as the Secretary may require. A plan submitted under this subsection—

“(A) shall describe the activities to be funded by the failing local educational agency under subsection (a) consistent with subsection (c); and

“(B) may request an exemption from the uses of funds restrictions under subsection (c) for elementary schools and secondary schools served by the failing local educational agency that met the State’s performance-based accreditation or categorization standards for the previous fiscal year.

“(2) PLAN APPROVAL.—The Secretary shall approve a plan submitted under paragraph (1) if the plan meets the requirements described in paragraph (1).

“(3) PLAN DISSEMINATION.—Each failing local educational agency having a plan approved under paragraph (2) shall widely disseminate such plan, throughout the area served by such agency, and post the plan on the Internet.

“(c) USES OF FUNDS.—Each failing local educational agency having a plan approved under subsection (b)(2) for a fiscal year shall use the funds awarded under the provisions of law described in subsection (a)(2) for such fiscal year only for the following activities:

"(1) To recruit, retain, and reward high-quality teachers.

"(2) To focus on teaching basic educational skills.

"(3) To provide remedial instruction in core academic subjects that are assessed by standards set by the State educational agency or local educational agency.

"(4) To fund mentoring programs for elementary school and secondary school students who need assistance in reading, writing, or arithmetic.

"(5) To use proven methods of instruction, such as phonics, that are based upon reliable research.

"(6) To provide for extended day learning.

"(7) To ensure that parents of elementary school and secondary school students realize that parents play a significant role in their child's educational success, and to encourage parents to become active in their child's education.

"(8) To provide any other activity that a local educational agency proposes, and the Secretary approves, as an activity that relates directly to improving students' academic performance.

"(e) ANNUAL REPORT.—

"(1) REPORT.—A failing local educational agency shall annually submit a report to the Secretary describing—

"(A) the use of funds under this section; and

"(B) the annual performance of all children served by the failing local educational agency as measured by its State's performance-based accreditation or categorization standards.

"(2) PRIVACY.—The report required under this section shall not contain any information, such as names, addresses, or grades, that might be used to identify the children whose performance is described in the report.

"(3) DISSEMINATION.—A failing local educational agency shall widely disseminate the report submitted under paragraph (1) throughout the area served by such agency, and post the report on the Internet, so that parents and others in the community can account for Federal education funding under this part.

"(f) MEETING STANDARDS.—

"(1) IN GENERAL.—If, for 2 consecutive fiscal years after a failing local educational agency is required to use funds in accordance with subsection (a), such local educational agency succeeds in meeting its State's performance-based accreditation or categorization standards, then the local educational agency may—

"(A) continue to use Federal funding under subsection (a) in accordance with this part;

"(B) use funding under the provisions of law described in subsection (a)(2) in accordance with such provisions; or

"(C) participate in the program under part H in the same manner as a local educational agency participates in such program pursuant to section 6806.

"(2) BONUS AWARDS.—

"(A) IN GENERAL.—A local educational agency that meets the standards described in paragraph (1) may receive a bonus award from amounts appropriated under subparagraph (C), to use for purposes such as rewarding elementary school and secondary school teachers and principals who improved student performance, and for professional development opportunities for such teachers and principals.

"(B) DISTRIBUTION.—A local educational agency receiving a bonus award under this paragraph shall determine how to distribute the award to individual elementary schools and secondary schools. An elementary school or a secondary school receiving such an award shall determine how such award shall be spent.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph \$10,000,000 for each of fiscal years 2003 through 2007.

"(g) PENALTY.—If a failing local educational agency spends funds subject to the use of funds restrictions described in subsection (c) in a manner inconsistent with subsection (c) for a fiscal year, then the State shall reduce the funds such agency receives under this part for the succeeding fiscal year by an amount equal to the amount spent improperly by such agency."

#### AMENDMENT NO. 3134

On page 490, strike lines 16 and 17, and insert the following: "\$125,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years, except that the Secretary shall make available not less than \$25,000,000 of the amount appropriated under this subsection in each fiscal year to carry out activities under subsection (b)(1)."

#### AMENDMENT NO. 3135

At the end of title XI, insert the following:

#### **PART—HIGHER EDUCATION ACT OF 1965 SEC. \_\_\_\_ GOOD STUDENT SCHOLARSHIPS.**

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

##### **"Subpart 9—Good Student Scholarships**

#### **"SEC. 420N. GOOD STUDENT SCHOLARSHIPS.**

"(a) SHORT TITLE.—This section may be cited as the "Good Student Scholarship Act".

"(b) PURPOSE.—The purpose of this section is to provide achievement-based scholarships for undergraduate education to eligible students graduating from schools or school districts that are failing or unaccredited.

"(c) DEFINITION OF ELIGIBLE STUDENT.—In this section, the term 'eligible student' means a secondary school student—

"(1) who graduates from a public secondary school, or a public or private secondary school in a school district, that is failing or unaccredited, as determined by the State educational agency serving the State in which the secondary school or school district is located;

"(2) who has been in attendance at the school referred to in paragraph (1) for not less than 2 years;

"(3) who ranks in the top 10 percent academically in such student's class;

"(4) who has an average ACT or SAT score that is equal to or greater than the national average such score; and

"(5) whose family income is not more than \$100,000.

"(d) DESIGNATION.—Scholarships made under this section shall be referred to as 'Good Student Scholarships'.

"(e) SCHOLARSHIPS AUTHORIZED.—

"(1) IN GENERAL.—From amounts appropriated under subsection (g) for a fiscal year, the Secretary shall award scholarships to each eligible student submitting an application consistent with paragraph (2) to enable the eligible student to pay the cost of attendance at an institution of higher education during the eligible student's first 4 academic years of undergraduate education.

"(2) APPLICATION REQUIRED.—Each eligible student desiring a scholarship under this section shall submit, for each year of the scholarship award, an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(3) AMOUNT OF AWARD.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of a scholarship awarded under this section for an aca-

ademic year shall be equal to the maximum appropriated Federal Pell Grant for such year.

"(B) ADJUSTMENT FOR INSUFFICIENT APPROPRIATIONS.—If, after the Secretary determines the total number of eligible applicants for an academic year, funds available to carry out this section are insufficient to fully fund all scholarship awards under subparagraph (A) for such academic year, the amount of the scholarship paid to each eligible student shall be reduced proportionately.

"(C) ASSISTANCE NOT TO EXCEED COST OF ATTENDANCE.—The amount of a scholarship awarded under this paragraph to an eligible student, in combination with Federal Pell Grant assistance and any other student financial assistance the eligible student receives, may not exceed the eligible student's cost of attendance.

"(f) LISTS FROM STATE EDUCATIONAL AGENCIES.—Each State educational agency shall annually provide a list to the Secretary identifying each public secondary school and each school district within the State that the State educational agency determines is failing or unaccredited.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$\_\_\_\_\_ for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years."

#### HUTCHINSON AMENDMENTS NOS. 3136–3137

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted two amendments intended to be proposed by him to the bill, S. 2, supra; as follows:

#### AMENDMENT NO. 3136

At the end of title VI, insert the following:

#### **SEC. \_\_\_\_ TRANSFERABILITY.**

Title VI (20 U.S.C. 6701 et seq.) is amended by adding at the end the following:

##### **"PART I—TRANSFERABILITY**

#### **"SEC. 6901. SHORT TITLE.**

"This part may be cited as the 'State and Local Transferability Act'.

#### **"SEC. 6902. PURPOSE.**

"The purpose of this part is to grant flexibility to States and school districts to target—

"(1) Federal funds to Federal programs that most effectively address the unique needs of States and localities; and

"(2) additional Federal funds to title I programs.

#### **"SEC. 6903. TRANSFERABILITY.**

"(a) STATE TRANSFER AUTHORITY.—

"(1) IN GENERAL.—A State may transfer up to 100 percent of nonadministrative State funds allocated to such State which are authorized to be used for State-level activities under any of the following provisions to the allocation of the State under any other of such provisions:

"(A) Title II (excluding national activities).

"(B) Part A of title IV.

"(C) Subpart 2 of part A of title V.

"(D) This title.

"(E) Part C of title VII.

"(F) Comprehensive school reform programs as authorized under section 1502 as described on pages 96–99 of the Joint Explanatory Statement of the Committee of Conference included in House Report No. 105–390 (Conference Report on the Departments of Labor, Health, and Human Services, and Education, and Related Agencies Appropriations Act, 1998).

"(2) SUPPLEMENTAL FUNDS FOR TITLE I.—A State may transfer any funds allocated to

the State under a provision listed in paragraph (1) to its allocation under title I.

“(b) LOCAL EDUCATIONAL AGENCY TRANSFER AUTHORITY.—

“(1) TRANSFER OF FUNDS.—

“(A) IN GENERAL.—Subject to subparagraphs (C) and (D), a local educational agency may transfer funds allocated to such agency under any of the provisions listed in paragraph (2) to any other such provision.

“(B) SUPPLEMENTAL FUNDS FOR TITLE I.—Subject to subparagraphs (C) and (D), a local educational agency may transfer funds allocated to such agency under a provision listed in paragraph (2) to its allocation under title I.

“(C) UNDER 30 PERCENT.—A transfer under subparagraph (A) or (B) of up to 30 percent of the funds allocated to a local educational agency under a provision listed in paragraph (2) in a fiscal year may be made without State approval.

“(D) OVER 30 PERCENT.—Subject to paragraph (3), a transfer under subparagraph (A) or (B) in a fiscal year of funds allocated to a local educational agency under a provision listed in paragraph (2) in a fiscal year the amount of which, when added to the amount of other transfers by the agency of such funds in such fiscal year, is more than 30 percent of such funds may be made only with the approval of the State.

“(2) APPLICABLE PROVISIONS.—The provisions from which a local educational agency may transfer funds under this subsection are as follows:

“(A) Title II (excluding national activities).

“(B) Part A of title IV.

“(C) Subpart 2 of part A of title V.

“(D) This title.

“(E) Part C of title VII.

“(F) Section 310 of the Department of Education Act, 2000, included in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113).

“(3) SPECIAL APPROVAL.—If a local educational agency submits to its State a written request to make a transfer under this subsection that requires State approval, such transfer shall be deemed approved by the State unless the State, within 60 days after receipt of such transfer request, disapproves such request or promptly notifies the agency in writing of such revisions as may be necessary before the State will approve the transfer.

“(c) LIMITATION.—A State or a local educational agency may not transfer any funds allocated to it under title I to any other program pursuant to this part.

“(d) STATE PLAN AND APPLICATION MODIFICATION; PRENOTIFICATION.—Each State transferring funds under this section shall—

“(1) modify any plan or application of the State that is applicable to such funds to account for such transfer and submit, within 30 days after the date of such transfer, a copy of such modified plan or application to the Department; and

“(2) notify the Department not less than 30 days before the effective date of such transfer.

“(e) LOCAL PLAN AND APPLICATION MODIFICATION; PRENOTIFICATION.—Each local educational agency transferring funds under this section shall—

“(1) modify any plan or application of the agency that is applicable to such funds to account for such transfer and submit, within 30 days after the date of such transfer, a copy of such modified plan or application to the State; and

“(2) notify the State not less than 30 days before the effective date of such transfer.

“(f) APPLICABLE RULES.—Except as otherwise provided in this subsection, when funds are transferred to an allocation under this section, the funds become funds of the allocation to which the funds are transferred and subject to all the requirements that are applicable to that allocation.”.

#### AMENDMENT NO. 3137

At the end of title X, insert the following:  
**SEC. \_\_\_\_ INVESTIGATION.**

Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall conduct and complete a comprehensive investigation for fraud at the Department of Education, including any audits the Comptroller determines necessary. The Comptroller General shall submit a report setting forth the results of the investigation to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.

#### BROWNBACK AMENDMENT NO. 3138

(Ordered to lie on the table.)

Mr. BROWNBACK (for himself, Mr. GREGG, and Mr. COVERDELL) submitted an amendment intended to be proposed by them to the bill, S. 2, supra; as follows:

On page 532, line 3, strike the end quotation marks and the second period.

On page 532, between lines 3 and 4, insert the following:

**“PART G—DISTRICT OF COLUMBIA STUDENT OPPORTUNITY SCHOLARSHIPS  
“SEC. 5961. SHORT TITLE; FINDINGS; PRECEDENTS.**

“(a) SHORT TITLE.—This part may be cited as the “District of Columbia Student Opportunity Scholarship Act of 2000”.

“(b) FINDINGS.—Congress makes the following findings:

“(1) Public education in the District of Columbia is in a crisis, as evidenced by the following:

“(A) The District of Columbia schools have the lowest average of any school system in the Nation on the National Assessment of Education Progress.

“(B) 72 percent of fourth graders in the District of Columbia tested below basic proficiency on the National Assessment of Education Progress in 1994.

“(C) Since 1991, there has been a net decline in the reading skills of District of Columbia students as measured in scores on the standardized Comprehensive Test of Basic Skills.

“(D) At least 40 percent of District of Columbia students drop out of or leave the school system before graduation.

“(E) The National Education Goals Panel reported in 1996 that both students and teachers in District of Columbia schools are subjected to levels of violence that are twice the national average.

“(F) Nearly two-thirds of District of Columbia teachers reported that violent student behavior is a serious impediment to teaching.

“(G) Many of the District of Columbia’s 152 schools are in a state of terrible disrepair, including leaking roofs, bitterly cold classrooms, and numerous fire code violations.

“(H) According to the Department of Education, 85 percent of all District of Columbia schools participating in the program under part A of title I are in school improvement under section 1116.

“(2) Significant improvements in the education of educationally deprived children in the District of Columbia can be accomplished by—

“(A) increasing educational opportunities for the children by expanding the range of educational choices that best meet the needs of the children;

“(B) fostering diversity and competition among school programs for the children;

“(C) providing the families of the children more of the educational choices already available to affluent families; and

“(D) enhancing the overall quality of education in the District of Columbia by increasing parental involvement in the direction of the education of the children.

“(3) The 350 private schools in the District of Columbia and the surrounding area offer a more safe and stable learning environment than District of Columbia public schools in school improvement under section 1116.

“(4) Costs are often much lower in private schools than corresponding costs in public schools.

“(5) Not all children are alike and therefore there is no one school or program that fits the needs of all children.

“(6) The formation of sound values and moral character is crucial to helping young people escape from lives of poverty, family break-up, drug abuse, crime, and school failure.

“(7) In addition to offering knowledge and skills, education should contribute positively to the formation of the internal norms and values which are vital to a child’s success in life and to the well-being of society.

“(8) Schools should help to provide young people with a sound moral foundation which is consistent with the values of their parents. To find such a school, parents need a full range of choice to determine where their children can best be educated.

“(c) PRECEDENTS.—The United States Supreme Court has determined that programs giving parents choice and increased input in their children’s education, including the choice of a religious education, do not violate the Constitution. The Supreme Court has held that as long as the beneficiary decides where education funds will be spent on such individual’s behalf, public funds can be used for education in a religious institution because the public entity has neither advanced nor hindered a particular religion and therefore has not violated the establishment clause of the first amendment to the Constitution. Supreme Court precedents include—

“(1) *Wisconsin v. Yoder*, 406 U.S. 205 (1972); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); and *Meyer v. Nebraska*, 262 U.S. 390 (1923) which held that parents have the primary role in and are the primary decision makers in all areas regarding the education and upbringing of their children;

“(2) *Mueller v. Allen*, 463 U.S. 388 (1983) which declared a Minnesota tax deduction program that provided State income tax benefits for educational expenditures by parents, including tuition in religiously affiliated schools, does not violate the Constitution;

“(3) *Witters v. Department of Services for the Blind*, 474 U.S. 481 (1986) in which the Supreme Court ruled unanimously that public funds for the vocational training of the blind could be used at a Bible college for ministry training; and

“(4) *Zobrest v. Catalina Foothills School District*, 509 U.S. 1 (1993) which held that a deaf child could receive an interpreter, paid for by the public, in a private religiously affiliated school under the Individual with Disabilities Education Act (20 U.S.C. 1400 et seq.). The case held that providing an interpreter in a religiously affiliated school did not violate the establishment clause of the first amendment of the Constitution.

**“SEC. 5962. DEFINITIONS.**

“As used in this part—

"(1) the term 'Board' means the Board of Directors of the Corporation established under section 5963(b)(1);

"(2) the term 'Corporation' means the District of Columbia Scholarship Corporation established under section 5963(a);

"(3) the term 'eligible institution'—

"(A) in the case of an eligible institution serving a student who receives a tuition scholarship under section 5964(d)(1), means a public, private, or independent elementary or secondary school; and

"(B) in the case of an eligible institution serving a student who receives an enhanced achievement scholarship under section 5964(d)(2), means an elementary or secondary school, or an entity that provides services to a student enrolled in an elementary or secondary school to enhance such student's achievement through activities described in section 5964(d)(2); and

"(4) the term 'poverty line' means 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.

**"SEC. 5963. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.**

**"(a) GENERAL REQUIREMENTS.—**

"(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the "District of Columbia Scholarship Corporation", which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

**"(2) DUTIES.—**

"(A) IN GENERAL.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this part.

"(B) ELIGIBILITY DETERMINATION.—The Corporation—

"(i) shall make the determination of whether a student is eligible for participation in the scholarship program;

"(ii) shall identify the public kindergartens, elementary schools, and secondary schools in the District of Columbia that are in school improvement under section 1116; and

"(iii) shall identify any other school the Corporation determines, based on performance standards chosen by the Corporation, eligible for participation under this part.

"(3) CONSULTATION.—The Corporation shall exercise its authority—

"(A) in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and

"(B) in consultation with the District of Columbia Board of Education or entity exercising administrative jurisdiction over the District of Columbia Public Schools, the Superintendent of the District of Columbia Public Schools, and other school scholarship programs in the District of Columbia.

"(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this part, and, to the extent consistent with this part, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

"(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

"(6) FUND.—There is established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

"(7) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the Corporation, before October 15 of each

fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is made.

"(8) AVAILABILITY.—Funds authorized to be appropriated under this part shall remain available until expended.

"(9) USES.—Funds authorized to be appropriated under this part shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

"(10) AUTHORIZATION.—

"(A) IN GENERAL.—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

"(i) \$7,000,000 for fiscal year 2001;

"(ii) \$8,000,000 for fiscal year 2002; and

"(iii) \$10,000,000 for each of fiscal years 2003 through 2005.

"(B) LIMITATION.—Not more than \$500,000 of the amount appropriated to carry out this part for any fiscal year may be used by the Corporation for any purpose other than assistance to students.

**"(b) ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS.—**

**"(1) BOARD OF DIRECTORS; MEMBERSHIP.—**

"(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this part as the 'Board'), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the majority leader of the Senate.

"(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

"(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the majority leader of the Senate in consultation with the minority leader of the Senate.

"(D) DEADLINE.—The Speaker of the House of Representatives and majority leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this part.

"(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this part.

"(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 member of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this part, until the President makes the appointments as described in this subsection.

"(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

"(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members of the Board to be chairperson of the Board.

"(4) RESIDENCY.—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

"(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

"(6) INCORPORATION.—The members of the initial Board shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

"(7) GENERAL TERM.—The term of office of each member of the Board shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

"(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board's power, but shall be filled in a manner consistent with this part.

"(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corporation, except as salary or reasonable compensation for services.

"(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

"(11) NO OFFICERS OR EMPLOYEES.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

"(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this part, shall be provided a stipend. Such stipend shall be at the rate of \$150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of \$5,000.

**"(c) OFFICERS AND STAFF.—**

"(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level EG-16 of the Educational Service of the District of Columbia, to be fixed by the Board.

"(2) STAFF.—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

"(3) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

"(4) SERVICE.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

"(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

**"(d) POWERS OF THE CORPORATION.—**

"(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

"(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and



panels to aid the Corporation in carrying out this part.

"(e) FINANCIAL MANAGEMENT AND RECORDS.—

"(1) AUDITS.—The financial statements of the Corporation shall be—

"(A) maintained in accordance with generally accepted accounting principles for nonprofit corporations; and

"(B) audited annually by independent certified public accountants.

"(2) REPORT.—The report for each such audit shall be included in the annual report to Congress required by section 5973(c).

**"SEC. 5964. SCHOLARSHIPS AUTHORIZED.**

"(a) ELIGIBLE STUDENTS.—The Corporation is authorized to award tuition scholarships under subsection (d)(1) and enhanced achievement scholarships under subsection (d)(2) to kindergarten through grade 12 students—

"(1) who are residents of the District of Columbia;

"(2) whose family income does not exceed 185 percent of the poverty line; and

"(3) who attended, prior to receipt of the scholarship, a public kindergarten, elementary school, or secondary school that is in school improvement under section 1116 or identified under clause (ii) or (iii) of section 5963(a)(2)(B), except that this paragraph shall not apply with respect to a student who is seeking a scholarship under this part after the first year such student receives a scholarship under this part.

"(b) SCHOLARSHIP PRIORITY.—

"(1) FIRST.—The Corporation first shall award scholarships to students described in subsection (a) who have received a scholarship from the Corporation in the year preceding the year for which the scholarship is awarded.

"(2) SECOND.—If funds remain for a fiscal year for awarding scholarships after awarding scholarships under paragraph (1), the Corporation shall award scholarships to students described in subsection (a) who are not described in paragraph (1).

"(c) SPECIAL RULE.—The Corporation shall attempt to ensure an equitable distribution of scholarship funds to students at diverse academic achievement levels.

"(d) USE OF SCHOLARSHIP.—

"(1) TUITION SCHOLARSHIPS.—A tuition scholarship may be used for the payment of the cost of the tuition and mandatory fees at a public, private, or independent school located within the geographic boundaries of the District of Columbia or the cost of the tuition and mandatory fees at a public, private, or independent school located within Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; or Fairfax County, Virginia.

"(2) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may be used only for the payment of the costs of tuition and mandatory fees for, or transportation to attend, a program of instruction provided by an eligible institution which enhances student achievement of the core curriculum and is operated outside of regular school hours to supplement the regular school program.

"(e) NOT SCHOOL AID.—A scholarship under this part shall be considered assistance to the student and shall not be considered assistance to an eligible institution.

**"SEC. 5965. SCHOLARSHIP PAYMENTS AND AMOUNTS.**

"(a) AWARDS.—From the funds made available under this part, the Corporation shall award a scholarship to a student and make payments in accordance with section 5970 on behalf of such student to a participating eli-

gible institution chosen by the parent of the student.

"(b) NOTIFICATION.—Each eligible institution that desires to receive a payment under subsection (a) shall notify the Corporation not later than 10 days after—

"(1) the date that a student receiving a scholarship under this part is enrolled, of the name, address, and grade level of such student;

"(2) the date of the withdrawal or expulsion of any student receiving a scholarship under this part, of the withdrawal or expulsion; and

"(3) the date that a student receiving a scholarship under this part is refused admission, of the reasons for such a refusal.

"(c) TUITION SCHOLARSHIP.—

"(1) EQUAL TO OR BELOW POVERTY LINE.—For a student whose family income is equal to or below the poverty line, a tuition scholarship may not exceed the lesser of—

"(A) the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

"(B) \$3,200 for fiscal year 2001, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 2002 through 2005.

"(2) ABOVE POVERTY LINE.—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, a tuition scholarship may not exceed the lesser of—

"(A) 75 percent of the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

"(B) \$2,400 for fiscal year 2001, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 2002 through 2005.

"(d) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may not exceed the lesser of—

"(1) the costs of tuition and mandatory fees for, or transportation to attend, a program of instruction at an eligible institution; or

"(2) \$500 for 2001, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 2002 through 2005.

**"SEC. 5966. CERTIFICATION OF ELIGIBLE INSTITUTIONS.**

"(a) APPLICATION.—An eligible institution that desires to receive a payment on behalf of a student who receives a scholarship under this part shall file an application with the Corporation for certification for participation in the scholarship program under this part. Each such application shall—

"(1) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subsection (c);

"(2) contain an assurance that the eligible institution will comply with all applicable requirements of this part;

"(3) contain an annual statement of the eligible institution's budget; and

"(4) describe the eligible institution's proposed program, including personnel qualifications and fees.

"(b) CERTIFICATION.—

"(1) IN GENERAL.—Except as provided in paragraph (3), not later than 60 days after receipt of an application in accordance with subsection (a), the Corporation shall certify an eligible institution to participate in the scholarship program under this part.

"(2) CONTINUATION.—An eligible institution's certification to participate in the scholarship program shall continue unless such eligible institution's certification is revoked in accordance with subsection (d).

"(c) NEW ELIGIBLE INSTITUTION.—

"(1) IN GENERAL.—An eligible institution that did not operate with at least 25 students in the 3 years preceding the year for which the determination is made may apply for a 1-year provisional certification to participate in the scholarship program under this part for a single year by providing to the Corporation not later than July 1 of the year preceding the year for which the determination is made—

"(A) a list of the eligible institution's board of directors;

"(B) letters of support from not less than 10 members of the community served by such eligible institution;

"(C) a business plan;

"(D) an intended course of study;

"(E) assurances that the eligible institution will begin operations with not less than 25 students;

"(F) assurances that the eligible institution will comply with all applicable requirements of this part; and

"(G) a statement that satisfies the requirements of paragraphs (2) and (4) of subsection (a).

"(2) CERTIFICATION.—Not later than 60 days after the date of receipt of an application described in paragraph (1), the Corporation shall certify in writing the eligible institution's provisional certification to participate in the scholarship program under this part unless the Corporation determines that good cause exists to deny certification.

"(3) RENEWAL OF PROVISIONAL CERTIFICATION.—After receipt of an application under paragraph (1) from an eligible institution that includes a statement of the eligible institution's budget completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution's provisional certification for the second and third years of the school's participation in the scholarship program under this part unless the Corporation finds—

"(A) good cause to deny the renewal, including a finding of a pattern of violation of requirements described in section 5967(a); or

"(B) consistent failure of 25 percent or more of the students receiving scholarships under this part and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

"(4) DENIAL OF CERTIFICATION.—If provisional certification or renewal of provisional certification under this subsection is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

"(d) REVOCATION OF ELIGIBILITY.—

"(1) IN GENERAL.—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this part for a year succeeding the year for which the determination is made for—

"(A) good cause, including a finding of a pattern of violation of program requirements described in section 5967(a); or

"(B) consistent failure of 25 percent or more of the students receiving scholarships under this part and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

"(2) EXPLANATION.—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of its decision to such eligible institution and require a pro rata refund of the payments received under this part.

**"SEC. 5967. PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.**

"(a) REQUIREMENTS.—Each eligible institution participating in the scholarship program under this part shall—

"(1) provide to the Corporation not later than June 30 of each year the most recent annual statement of the eligible institution's budget; and

"(2) charge a student that receives a scholarship under this part not more than the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution as other students who are residents of the District of Columbia and enrolled in such eligible institution.

"(b) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subsection (a), but neither the Corporation nor any governmental entity may impose additional requirements upon an eligible institution as a condition of participation in the scholarship program under this part.

**"SEC. 5968. CIVIL RIGHTS.**

"(a) IN GENERAL.—An eligible institution participating in the scholarship program under this part shall comply with title IV of the Civil Rights Act of 1964 and not discriminate on the basis of race, color, or national origin.

"(b) REVOCATION.—Notwithstanding section 5967(b), if the Secretary of Education determines that an eligible institution participating in the scholarship program under this part is in violation of any of the laws listed in subsection (a), then the Corporation shall revoke such eligible institution's certification to participate in the program.

**"SEC. 5969. CHILDREN WITH DISABILITIES.**

"Nothing in this part shall be construed to affect the rights of students, or the obligations of the District of Columbia public schools, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

**"SEC. 5970. SCHOLARSHIP PAYMENTS.**

"(a) IN GENERAL.—

"(1) PROPORTIONAL PAYMENT.—The Corporation shall make scholarship payments to participating eligible institutions for an academic year in 2 installments. The Corporation shall make the first payment not later than October 15 of the academic year in an amount equal to one-half the total amount of the scholarship assistance awarded to students enrolled at such institution for the academic year. The Corporation shall make the second payment not later than January 15 of the academic year in an amount equal to one-half of such total amount.

"(2) PRO RATA AMOUNTS FOR STUDENT WITHDRAWAL.—

"(A) BEFORE PAYMENT.—If a student receiving a scholarship withdraws or is expelled from an eligible institution before a scholarship payment is made, the eligible institution shall receive a pro rata payment based on the amount of the scholarship and the number of days the student was enrolled in the eligible institution.

"(B) AFTER PAYMENT.—If a student receiving a scholarship withdraws or is expelled after a scholarship payment is made, the eligible institution shall refund to the Corporation on a pro rata basis the proportion of any scholarship payment received for the remaining days of the school year. Such refund shall occur not later than 30 days after the date of the withdrawal or expulsion of the student.

"(b) FUND TRANSFERS.—The Corporation shall make scholarship payments to participating eligible institutions by electronic funds transfer. If such an arrangement is not available, then the eligible institution shall submit an alternative payment proposal to the Corporation for approval.

**"SEC. 5971. APPLICATION SCHEDULE AND PROCEDURES.**

"The Corporation shall implement a schedule and procedures for processing applications for awarding student scholarships under this part that includes a list of certified eligible institutions, distribution of information to parents and the general public (including through a newspaper of general circulation), and deadlines for steps in the scholarship application and award process.

**"SEC. 5972. REPORTING REQUIREMENTS.**

"(a) IN GENERAL.—An eligible institution participating in the scholarship program under this part shall report not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

"(1) Student achievement in the eligible institution's programs.

"(2) Grade advancement for scholarship students.

"(3) Disciplinary actions taken with respect to scholarship students.

"(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

"(5) Types and amounts of parental involvement required for all families of scholarship students.

"(6) Student attendance for scholarship and nonscholarship students.

"(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules at the eligible institution.

"(8) Number of scholarship students enrolled.

"(9) Such other information as may be required by the Corporation for program appraisal.

"(b) CONFIDENTIALITY.—No personal identifiers may be used in such report, except that the Corporation may request such personal identifiers solely for the purpose of verification.

**"SEC. 5973. PROGRAM APPRAISAL.**

"(a) STUDY.—Not later than 4 years after the date of enactment of this part, the Comptroller General shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for an independent evaluation of the scholarship program under this part, including—

"(1) a comparison of test scores between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

"(2) a comparison of graduation rates between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

"(3) the satisfaction of parents of scholarship students with the scholarship program; and

"(4) the impact of the scholarship program on the District of Columbia public schools, including changes in the public school enrollment, and any improvement in the academic performance of the public schools.

"(b) PUBLIC REVIEW OF DATA.—All data gathered in the course of the study described in subsection (a) shall be made available to the public upon request except that no personal identifiers shall be made public.

"(c) REPORT TO CONGRESS.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate committees of Congress. Such report shall include a review of how scholarship funds were ex-

pended, including the initial academic achievement levels of students who have participated in the scholarship program.

"(d) AUTHORIZATION.—There are authorized to be appropriated for the study described in subsection (a), \$250,000, which shall remain available until expended.

**"SEC. 5974. JUDICIAL REVIEW.**

"(a) IN GENERAL.—The United States District Court for the District of Columbia shall have jurisdiction in any action challenging the scholarship program under this part and shall provide expedited review.

"(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States."

**STEVENS (AND OTHERS)****AMENDMENT NO. 3139**

Mr. STEVENS (for himself, Mr. KENNEDY, and Mr. JEFFORDS, Mr. DODD, Mr. DOMENICI, Mr. BOND, Mr. KERRY, Mr. VOINOVICH, Mr. LAUTENBERG, Mrs. MURRAY, Mr. COCHRAN, Mr. BINGAMAN, Mr. SMITH of Oregon, Mr. DURBIN, Mr. L. CHAFEE, Mr. BAUCUS, Mr. MURKOWSKI, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROBERTS, Mr. WELLSTONE, Mrs. FEINSTEIN, Ms. MIKULSKI, Ms. SNOWE, Mrs. BOXER, Mr. KERREY, Mr. SPECTER, and Mr. WARNER) proposed an amendment to the bill, S. 2, supra, as follows:

On page 922, after line 18, insert the following:

**PART D—EARLY LEARNING OPPORTUNITIES****SEC. 11401. SHORT TITLE; FINDINGS.**

(a) SHORT TITLE.—This part may be cited as the "Early Learning Opportunities Act".

(b) FINDINGS.—Congress finds that—

(1) medical research demonstrates that adequate stimulation of a young child's brain between birth and age 5 is critical to the physical development of the young child's brain;

(2) parents are the most significant and effective teachers of their children, and they alone are responsible for choosing the best early learning opportunities for their child;

(3) parent education and parent involvement are critical to the success of any early learning program or activity;

(4) the more intensively parents are involved in their child's early learning, the greater the cognitive and noncognitive benefits to their children;

(5) many parents have difficulty finding the information and support the parents seek to help their children grow to their full potential;

(6) each day approximately 13,000,000 young children, including 6,000,000 infants or toddlers, spend some or all of their day being cared for by someone other than their parents;

(7) quality early learning programs, including those designed to promote effective parenting, can increase the literacy rate, the secondary school graduation rate, the employment rate, and the college enrollment rate for children who have participated in voluntary early learning programs and activities;

(8) early childhood interventions can yield substantial advantages to participants in terms of emotional and cognitive development, education, economic well-being, and health, with the latter 2 advantages applying to the children's families as well;

(9) participation in quality early learning programs, including those designed to promote effective parenting, can decrease the

future incidence of teenage pregnancy, welfare dependency, at-risk behaviors, and juvenile delinquency for children;

(10) several cost-benefit analysis studies indicate that for each \$1 invested in quality early learning programs, the Federal Government can save over \$5 by reducing the number of children and families who participate in Federal Government programs like special education and welfare;

(11) for children placed in the care of others during the workday, the low salaries paid to the child care staff, the lack of career progression for the staff, and the lack of child development specialists involved in early learning and child care programs, make it difficult to attract and retain the quality of staff necessary for a positive early learning experience;

(12) Federal Government support for early learning has primarily focused on out-of-home care programs like those established under the Head Start Act, the Child Care and Development Block Grant of 1990, and part C of the Individuals with Disabilities Education Act, and these programs—

(A) serve far fewer than half of all eligible children;

(B) are not primarily designed to provide support for parents who care for their young children in the home; and

(C) lack a means of coordinating early learning opportunities in each community; and

(13) by helping communities increase, expand, and better coordinate early learning opportunities for children and their families, the productivity and creativity of future generations will be improved, and the Nation will be prepared for continued leadership in the 21st century.

#### SEC. 11402. PURPOSES.

The purposes of this part are—

(1) to increase the availability of voluntary programs, services, and activities that support early childhood development, increase parent effectiveness, and promote the learning readiness of young children so that young children enter school ready to learn;

(2) to support parents, child care providers, and caregivers who want to incorporate early learning activities into the daily lives of young children;

(3) to remove barriers to the provision of an accessible system of early childhood learning programs in communities throughout the United States;

(4) to increase the availability and affordability of professional development activities and compensation for caregivers and child care providers; and

(5) to facilitate the development of community-based systems of collaborative service delivery models characterized by resource sharing, linkages between appropriate supports, and local planning for services.

#### SEC. 11403. DEFINITIONS.

In this part:

(1) **CAREGIVER.**—The term “caregiver” means an individual, including a relative, neighbor, or family friend, who regularly or frequently provides care, with or without compensation, for a child for whom the individual is not the parent.

(2) **CHILD CARE PROVIDER.**—The term “child care provider” means a provider of non-residential child care services (including center-based, family-based, and in-home child care services) for compensation who or that is legally operating under State law, and complies with applicable State and local requirements for the provision of child care services.

(3) **EARLY LEARNING.**—The term “early learning”, used with respect to a program or activity, means learning designed to facilitate the development of cognitive, language,

motor, and social-emotional skills for, and to promote learning readiness in, young children.

(4) **EARLY LEARNING PROGRAM.**—The term “early learning program” means—

(A) a program of services or activities that helps parents, caregivers, and child care providers incorporate early learning into the daily lives of young children; or

(B) a program that directly provides early learning to young children.

(5) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) **LOCAL COUNCIL.**—The term “Local Council” means a Local Council established or designated under section 11414(a) that serves one or more localities.

(7) **LOCALITY.**—The term “locality” means a city, county, borough, township, or area served by another general purpose unit of local government, an Indian tribe, a Regional Corporation, or a Native Hawaiian entity.

(8) **PARENT.**—The term “parent” means a biological parent, an adoptive parent, a step-parent, a foster parent, or a legal guardian of, or a person standing in loco parentis to, a child.

(9) **POVERTY LINE.**—The term “poverty line” means 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.

(10) **REGIONAL CORPORATION.**—The term “Regional Corporation” has the meaning given the term in section 3 of the Alaskan Native Claims Settlement Act (43 U.S.C. 1602).

(11) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

(12) **STATE.**—The term “State” means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(13) **TRAINING.**—The term “training” means instruction in early learning that—

(A) is required for certification under State and local laws, regulations, and policies;

(B) is required to receive a nationally or State recognized credential or its equivalent;

(C) is received in a postsecondary education program focused on early learning or early childhood development in which the individual is enrolled; or

(D) is provided, certified, or sponsored by an organization that is recognized for its expertise in promoting early learning or early childhood development.

(14) **YOUNG CHILD.**—The term “young child” means any child from birth to the age of mandatory school attendance in the State where the child resides.

#### SEC. 11404. PROHIBITIONS.

(a) **PARTICIPATION NOT REQUIRED.**—No person, including a parent, shall be required to participate in any program of early childhood education, early learning, parent education, or developmental screening pursuant to the provisions of this part.

(b) **RIGHTS OF PARENTS.**—Nothing in this part shall be construed to affect the rights of parents otherwise established in Federal, State, or local law.

(c) **PARTICULAR METHODS OR SETTINGS.**—No entity that receives funds under this part shall be required to provide services under this part through a particular instructional method or in a particular instructional setting to comply with this part.

#### SEC. 11405. AUTHORIZATION AND APPROPRIATION OF FUNDS.

There are authorized to be appropriated to the Department of Health and Human Services to carry out this part—

(1) \$750,000,000 for fiscal year 2001;

(2) \$1,000,000,000 for fiscal year 2002; and

(3) \$1,500,000,000 for fiscal year 2003.

#### SEC. 11406. COORDINATION OF FEDERAL PROGRAMS.

(a) **COORDINATION.**—The Secretary and the Secretary of Education shall develop mechanisms to resolve administrative and programmatic conflicts between Federal programs that would be a barrier to parents, caregivers, service providers, or children related to the coordination of services and funding for early learning programs.

(b) **USE OF EQUIPMENT AND SUPPLIES.**—In the case of a collaborative activity funded under this part and another provision of law providing for Federal child care or early learning programs, the use of equipment and nonconsumable supplies purchased with funds made available under this part or such provision shall not be restricted to children enrolled or otherwise participating in the program carried out under this part or such provision, during a period in which the activity is predominately funded under this part or such provision.

#### SEC. 11407. PROGRAM AUTHORIZED.

(a) **GRANTS.**—From amounts appropriated under section 11405 the Secretary shall award grants to States to enable the States to award grants to Local Councils to pay the Federal share of the cost of carrying out early learning programs in the locality served by the Local Council.

(b) **FEDERAL SHARE.**—

(1) **IN GENERAL.**—The Federal share of the cost described in subsection (a) shall be 85 percent for the first and second years of the grant, 80 percent for the third and fourth years of the grant, and 75 percent for the fifth and subsequent years of the grant.

(2) **NON-FEDERAL SHARE.**—The non-Federal share of the cost described in subsection (a) may be contributed in cash or in kind, fairly evaluated, including facilities, equipment, or services, which may be provided from State or local public sources, or through donations from private entities. For the purposes of this paragraph the term “facilities” includes the use of facilities, but the term “equipment” means donated equipment and not the use of equipment.

(c) **MAINTENANCE OF EFFORT.**—The Secretary shall not award a grant under this part to any State unless the Secretary first determines that the total expenditures by the State and its political subdivisions to support early learning programs (other than funds used to pay the non-Federal share under subsection (b)(2)) for the fiscal year for which the determination is made is equal to or greater than such expenditures for the preceding fiscal year.

(d) **SUPPLEMENT NOT SUPPLANT.**—Amounts received under this part shall be used to supplement and not supplant other Federal, State, and local public funds expended to promote early learning.

#### SEC. 11408. USES OF FUNDS.

(a) **IN GENERAL.**—Subject to section 11410, grant funds under this part shall be used to pay for developing, operating, or enhancing voluntary early learning programs that are likely to produce sustained gains in early learning.

(b) **LIMITED USES.**—Subject to section 11410, Lead State Agencies and Local Councils shall ensure that funds made available under this part to the agencies and Local Councils are used for 3 or more of the following activities:

(1) Helping parents, caregivers, child care providers, and educators increase their capacity to facilitate the development of cognitive, language comprehension, expressive language, social-emotional, and motor skills, and promote learning readiness.

(2) Promoting effective parenting.

(3) Enhancing early childhood literacy.

(4) Developing linkages among early learning programs within a community and between early learning programs and health care services for young children.

(5) Increasing access to early learning opportunities for young children with special needs, including developmental delays, by facilitating coordination with other programs serving such young children.

(6) Increasing access to existing early learning programs by expanding the days or times that the young children are served, by expanding the number of young children served, or by improving the affordability of the programs for low-income families.

(7) Improving the quality of early learning programs through professional development and training activities, increased compensation, and recruitment and retention incentives, for early learning providers.

(8) Removing ancillary barriers to early learning, including transportation difficulties and absence of programs during non-traditional work times.

(c) REQUIREMENTS.—Each Lead State Agency designated under section 11410(c) and Local Councils receiving a grant under this part shall ensure—

(1) that Local Councils described in section 11414 work with local educational agencies to identify cognitive, social, emotional, and motor developmental abilities which are necessary to support children's readiness for school;

(2) that the programs, services, and activities assisted under this part will represent developmentally appropriate steps toward the acquisition of those abilities; and

(3) that the programs, services, and activities assisted under this part collectively provide benefits for children cared for in their own homes as well as children placed in the care of others.

(d) SLIDING SCALE PAYMENTS.—States and Local Councils receiving assistance under this part shall ensure that programs, services, and activities assisted under this part which customarily require a payment for such programs, services, or activities, adjust the cost of such programs, services, and activities provided to the individual or the individual's child based on the individual's ability to pay.

#### SEC. 11409. RESERVATIONS AND ALLOTMENTS.

(a) RESERVATION FOR INDIAN TRIBES, ALASKA NATIVES, AND NATIVE HAWAIIANS.—The Secretary shall reserve 1 percent of the total amount appropriated under section 11405 for each fiscal year, to be allotted to Indian tribes, Regional Corporations, and Native Hawaiian entities, of which—

(1) 0.5 percent shall be available to Indian tribes; and

(2) 0.5 percent shall be available to Regional Corporations and Native Hawaiian entities.

(b) ALLOTMENTS.—From the funds appropriated under this part for each fiscal year that are not reserved under subsection (a), the Secretary shall allot to each State the sum of—

(1) an amount that bears the same ratio to 50 percent of such funds as the number of children 4 years of age and younger in the State bears to the number of such children in all States; and

(2) an amount that bears the same ratio to 50 percent of such funds as the number of children 4 years of age and younger living in

families with incomes below the poverty line in the State bears to the number of such children in all States.

(c) MINIMUM ALLOTMENT.—No State shall receive an allotment under subsection (b) for a fiscal year in an amount that is less than .40 percent of the total amount appropriated for the fiscal year under this part.

(d) AVAILABILITY OF FUNDS.—Any portion of the allotment to a State that is not expended for activities under this part in the fiscal year for which the allotment is made shall remain available to the State for 2 additional years, after which any unexpended funds shall be returned to the Secretary. The Secretary shall use the returned funds to carry out a discretionary grant program for research-based early learning demonstration projects.

(e) DATA.—The Secretary shall make allotments under this part on the basis of the most recent data available to the Secretary.

#### SEC. 11410. GRANT ADMINISTRATION.

(a) FEDERAL ADMINISTRATIVE COSTS.—The Secretary may use not more than 3 percent of the amount appropriated under section 11405 for a fiscal year to pay for the administrative costs of carrying out this part, including the monitoring and evaluation of State and local efforts.

(b) STATE ADMINISTRATIVE COSTS.—A State that receives a grant under this part may use—

(1) not more than 2 percent of the funds made available through the grant to carry out activities designed to coordinate early learning programs on the State level, including programs funded or operated by the State educational agency, health, children and family, and human service agencies, and any State-level collaboration or coordination council involving early learning and education, such as the entities funded under section 640(a)(5) of the Head Start Act (42 U.S.C. 9835 (a)(5));

(2) not more than 2 percent of the funds made available through the grant for the administrative costs of carrying out the grant program and the costs of reporting State and local efforts to the Secretary; and

(3) not more than 3 percent of the funds made available through the grant for training, technical assistance, and wage incentives provided by the State to Local Councils.

(c) LEAD STATE AGENCY.—

(1) IN GENERAL.—To be eligible to receive an allotment under this part, the Governor of a State shall appoint, after consultation with the leadership of the State legislature, a Lead State Agency to carry out the functions described in paragraph (2).

(2) LEAD STATE AGENCY.—

(A) ALLOCATION OF FUNDS.—The Lead State Agency described in paragraph (1) shall allocate funds to Local Councils as described in section 11412.

(B) FUNCTIONS OF AGENCY.—In addition to allocating funds pursuant to subparagraph (A), the Lead State Agency shall—

(i) advise and assist Local Councils in the performance of their duties under this part;

(ii) develop and submit the State application;

(iii) evaluate and approve applications submitted by Local Councils under section 11413;

(iv) ensure collaboration with respect to assistance provided under this part between the State agency responsible for education and the State agency responsible for children and family services;

(v) prepare and submit to the Secretary, an annual report on the activities carried out in the State under this part, which shall include a statement describing how all funds received under this part are expended and documentation of the effects that resources under this part have had on—

(I) parental capacity to improve learning readiness in their young children;

(II) early childhood literacy;

(III) linkages among early learning programs;

(IV) linkages between early learning programs and health care services for young children;

(V) access to early learning activities for young children with special needs;

(VI) access to existing early learning programs through expansion of the days or times that children are served;

(VII) access to existing early learning programs through expansion of the number of young children served;

(VIII) access to and affordability of existing early learning programs for low-income families;

(IX) the quality of early learning programs resulting from professional development, and recruitment and retention incentives for caregivers; and

(X) removal of ancillary barriers to early learning, including transportation difficulties and absence of programs during non-traditional work times; and

(vi) ensure that training and research is made available to Local Councils and that such training and research reflects the latest available brain development and early childhood development research related to early learning.

#### SEC. 11411. STATE REQUIREMENTS.

(a) ELIGIBILITY.—To be eligible for a grant under this part, a State shall—

(1) ensure that funds received by the State under this part shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under State law;

(2) designate a Lead State Agency under section 11410(c) to administer and monitor the grant and ensure State-level coordination of early learning programs;

(3) submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require;

(4) ensure that funds made available under this part are distributed on a competitive basis throughout the State to Local Councils serving rural, urban, and suburban areas of the State; and

(5) assist the Secretary in developing mechanisms to ensure that Local Councils receiving funds under this part comply with the requirements of this part.

(b) STATE PREFERENCE.—In awarding grants to Local Councils under this part, the State, to the maximum extent possible, shall ensure that a broad variety of early learning programs that provide a continuity of services across the age spectrum assisted under this part are funded under this part, and shall give preference to supporting—

(1) a Local Council that meets criteria, that are specified by the State and approved by the Secretary, for qualifying as serving an area of greatest need for early learning programs; and

(2) a Local Council that demonstrates, in the application submitted under section 11413, the Local Council's potential to increase collaboration as a means of maximizing use of resources provided under this part with other resources available for early learning programs.

(c) LOCAL PREFERENCE.—In awarding grants under this part, Local Councils shall give preference to supporting—

(1) projects that demonstrate their potential to collaborate as a means of maximizing use of resources provided under this part with other resources available for early learning programs;

(2) programs that provide a continuity of services for young children across the age

spectrum, individually, or through community-based networks or cooperative agreements; and

(3) programs that help parents and other caregivers promote early learning with their young children.

(d) PERFORMANCE GOALS.—

(1) ASSESSMENTS.—Based on information and data received from Local Councils, and information and data available through State resources, the State shall biennially assess the needs and available resources related to the provision of early learning programs within the State.

(2) PERFORMANCE GOALS.—Based on the analysis of information described in paragraph (1), the State shall establish measurable performance goals to be achieved through activities assisted under this part.

(3) REQUIREMENT.—The State shall award grants to Local Councils only for purposes that are consistent with the performance goals established under paragraph (2).

(4) REPORT.—The State shall report to the Secretary annually regarding the State's progress toward achieving the performance goals established in paragraph (2) and any necessary modifications to those goals, including the rationale for the modifications.

#### SEC. 11412. LOCAL ALLOCATIONS.

(a) IN GENERAL.—The Lead State Agency shall allocate to Local Councils in the State not less than 93 percent of the funds provided to the State under this part for a fiscal year.

(b) LIMITATION.—The Lead State Agency shall allocate funds provided under this part on the basis of the population of the locality served by the Local Council.

#### SEC. 11413. LOCAL APPLICATIONS.

(a) IN GENERAL.—To be eligible to receive assistance under this part, the Local Council shall submit an application to the Lead State Agency at such time, in such manner, and containing such information as the Lead State Agency may require.

(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall include a statement ensuring that the local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has established or designated a Local Council under section 11414, and the Local Council has developed a local plan for carrying out early learning programs under this part that includes—

(1) a needs and resources assessment concerning early learning services and a statement describing how early learning programs will be funded consistent with the assessment;

(2) a statement of how the Local Council will ensure that early learning programs will meet the performance goals reported by the Lead State Agency under this part; and

(3) a description of how the Local Council will form collaboratives among local youth, social service, and educational providers to maximize resources and concentrate efforts on areas of greatest need.

#### SEC. 11414. LOCAL ADMINISTRATION.

(a) LOCAL COUNCIL.—

(1) IN GENERAL.—To be eligible to receive funds under this part, a local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity, as appropriate, shall establish or designate a Local Council, which shall be composed of—

(A) representatives of local agencies directly affected by early learning programs assisted under this part;

(B) parents;

(C) other individuals concerned with early learning issues in the locality, such as representative entities providing elementary education, child care resource and referral services, early learning opportunities, child care, and health services; and

(D) other key community leaders.

(2) DESIGNATING EXISTING ENTITY.—If a local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has, before the date of enactment of the Early Learning Opportunities Act, a Local Council or a regional entity that is comparable to the Local Council described in paragraph (1), the entity, tribe or corporation may designate the council or entity as a Local Council under this part, and shall be considered to have established a Local Council in compliance with this subsection.

(3) FUNCTIONS.—The Local Council shall be responsible for preparing and submitting the application described in section 11413.

(b) ADMINISTRATION.—

(1) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds received by a Local Council under this part shall be used to pay for the administrative costs of the Local Council in carrying out this part.

(2) FISCAL AGENT.—A Local Council may designate any entity, with a demonstrated capacity for administering grants, that is affected by, or concerned with, early learning issues, including the State, to serve as fiscal agent for the administration of grant funds received by the Local Council under this part.

#### DOMENICI AMENDMENT NO. 3143

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

On page 478, between lines 2 and 3, insert the following:

#### SEC. 542. CHARTER SCHOOL DISTRICTS.

Section 5402 (as transferred and so redesignated by section 541) is amended by adding at the end the following

“(g) ELIGIBILITY OF CHARTER SCHOOL DISTRICTS.—

“(1) IN GENERAL.—For purposes of this part, a charter school district—

“(A) in the case of a State that elects not to participate in the program under this part or does not have an application approved under section 5403, may be an eligible applicant under subsection (b); or

“(A) shall be eligible to receive a subgrant under section 5404(f)(1).

“(2) DEFINITION.—In this subsection, the term ‘charter school district’ means a school district that—

“(A) has been designated under a specific State statute as a charter school district; and

“(B) meets other requirements determined appropriate by the Secretary to further the purposes of this part.”.

#### DOMENICI (AND OTHERS) AMENDMENT NO. 3144

(Ordered to lie on the table.)

Mr. DOMENICI (for himself, Mr. DODD, Mr. COCHRAN, Mr. CLELAND, and Ms. MIKULSKI) submitted an amendment intended to be proposed by them to the bill, S. 2, supra; as follows:

On page 490, strike lines 14 through 17 and insert the following:

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) PARTNERSHIPS IN CHARACTER EDUCATION PROGRAM.—There are authorized to be appropriated to carry out programs described in section 5702 with funds provided under this section, \$50,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(2) OTHER PROGRAMS, PROJECTS, AND ACTIVITIES.—There are authorized to be appropriated to carry out other programs,

projects, and activities described in this part (other than programs described in section 5702) with funds provided under this section, \$100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

On page 501, between lines 2 and 3, insert the following:

“(h) AMOUNT OF GRANTS FOR STATE EDUCATIONAL AGENCIES.—Subject to the availability of appropriations, the Secretary shall make grants under this section in amounts of not less than \$500,000 to State educational agencies in partnerships described in subsection (a)(2) that submit applications under subsection (b) that meet such requirements as the Secretary may establish under this section.

#### USE OF CAPITOL GROUNDS FOR BIKE RODEO

#### McCONNELL AMENDMENT NO. 3140

Mr. BROWNBAC (for Mr. McCONNELL) proposed an amendment to the concurrent resolution (H. Con. Res. 314) authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit; as follows:

On page 3, line 9, after “sales,” insert “advertisements,”.

#### USE OF CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

#### McCONNELL AMENDMENT NO. 3141

Mr. BROWNBAC (for Mr. McCONNELL) proposed an amendment to the concurrent resolution (H. Con. Res. 277) authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby; as follows:

On page 3, line 10, after “sales,” insert “advertisements,”.

#### CONGRESSIONAL ACCOUNTABILITY FOR REGULATORY INFORMATION ACT OF 1999

#### LEVIN AMENDMENT NO. 3142

Mr. BROWNBAC (for Mr. LEVIN) proposed an amendment to the bill (S. 1198) to amend chapter 8 of title 5, United States Code, to provide for a report by the General Accounting Office to Congress on agency regulatory actions, and for other purposes; as follows:

On page 7, strike lines 15 through 19 and insert the following:

(1) REQUEST FOR REVIEW.—When an agency publishes an economically significant rule, a chairman or ranking member of a committee of jurisdiction of either House of Congress may request the Comptroller General of the United States to review the rule.

#### NOTICES OF HEARINGS

#### COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a meeting to mark up S. 1594, Community Development

and Venture Capital Act of 1999, and other pending matters. The markup will be held on Tuesday, May 16, 2000, beginning at 9:30 a.m. in room 428A Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224-5175.

#### COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "IRS Restructuring: A New Era for Small Business." The hearing will be held on Tuesday, May 23, 2000, beginning at 10:00 a.m. in room 428A of the Russell Senate Office Building.

The hearing will be broadcast live over the Internet from our homepage address: <http://www.senate.gov/sbc>

For further information, please contact Mark Warren at 224-5175.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, May 9, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

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

##### COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, May 9, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

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

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 9, 2000, to conduct a hearing on "The China-WTO Agreement and Financial Services."

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

##### SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Criminal Justice Oversight be authorized to meet to conduct a hearing on Tuesday, May 9, 2000, at 10:00 a.m., in Dirksen 266.

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

##### SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Tuesday, May 9, 2000, at 9:30 a.m. for a hearing entitled "Perform-

ance Management in the District of Columbia: A Progress Report".

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

#### PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Dianne Lenz, a fellow of my staff, be granted floor privileges while S. 2 is pending.

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

#### EARTH FORCE YOUTH BIKE SUMMIT

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H. Con. Res. 314, and the Senate then proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 314) authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by Earth Force Youth Bike Summit.

There being no objection, the Senate proceeded to consider the concurrent resolution.

##### AMENDMENT NO. 3140

Mr. BROWNBAC. Mr. President, Senator MCCONNELL has a technical amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBAC), for Mr. MCCONNELL, proposes an amendment numbered 3140.

On page 3, line 9, after "sales," insert "advertisements,".

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the amendment be agreed to, the resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The amendment (No. 3140) was agreed to.

The concurrent resolution (S. Con. Res. 314), as amended, was agreed to.

#### GREATER WASHINGTON SOAP BOX DERBY

Mr. BROWNBAC. Mr. President, I ask unanimous consent the Rules Committee be discharged from further consideration of H. Con. Res. 277, and the Senate proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 277) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consider the concurrent resolution.

##### AMENDMENT NO. 3141

Mr. BROWNBAC. Mr. President, Senator MCCONNELL has a technical amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBAC), for Mr. MCCONNELL, proposes an amendment numbered 3141.

On page 3, line 10, after "sales," insert "advertisements,".

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the amendment be agreed to, the resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The amendment (No. 3141) was agreed to.

The concurrent resolution (H. Con. Res. 277), as amended, was agreed to.

#### TRUTH IN REGULATING ACT OF 1999

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar 424, S. 1198.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1198) to amend chapter 8 of Title 5, United States Code, to provide for a report by the General Accounting Office to Congress on agency regulatory actions, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Truth in Regulating Act of 1999".*

##### SEC. 2. PURPOSES.

*The purposes of this Act are to—*

- (1) increase the transparency of important regulatory decisions;
- (2) promote effective congressional oversight to ensure that agency rules fulfill statutory requirements in an efficient, effective, and fair manner; and
- (3) increase the accountability of Congress and the agencies to the people they serve.

##### SEC. 3. DEFINITIONS.

*In this Act, the term—*

- (1) "agency" has the meaning given such term under section 551(1) of title 5, United States Code;
- (2) "economically significant rule" means any proposed or final rule, including an interim or direct final rule, that may have an annual effect on the economy of \$100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; and
- (3) "independent evaluation" means a substantive evaluation of the agency's data, methodology, and assumptions used in developing the economically significant rule, including—

(A) an explanation of how any strengths or weaknesses in those data, methodology, and assumptions support or detract from conclusions reached by the agency; and

(B) the implications, if any, of those strengths or weaknesses for the rulemaking.

#### SEC. 4. PILOT PROJECT FOR REPORT ON RULES.

(a) IN GENERAL.—

(1) REQUEST OF REVIEW.—When an agency publishes an economically significant rule, the Comptroller General of the United States may review the rule at the request of a committee of jurisdiction of either House of Congress.

(2) REPORT.—The Comptroller General shall submit a report on each economically significant rule selected under paragraph (4) to the committees of jurisdiction in each House of Congress not later than 180 calendar days after a committee request is received. The report shall include an independent evaluation of the economically significant rule by the Comptroller General.

(3) INDEPENDENT EVALUATION.—The independent evaluation of the economically significant rule by the Comptroller General under paragraph (2) shall include—

(A) an evaluation of the agency's analysis of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to receive the benefits;

(B) an evaluation of the agency's analysis of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to bear the costs;

(C) an evaluation of the agency's analysis of alternative approaches set forth in the notice of proposed rulemaking and in the rulemaking record, as well as of any regulatory impact analysis, federalism assessment, or other analysis or assessment prepared by the agency or required for the economically significant rule; and

(D) a summary of the results of the evaluation of the Comptroller General and the implications of those results.

(4) PROCEDURES FOR PRIORITIES OF REQUESTS.—The Comptroller General shall have discretion to develop procedures for determining the priority and number of requests for review under paragraph (1) for which a report will be submitted under paragraph (2).

(b) AUTHORITY OF COMPTROLLER GENERAL.—Each agency shall promptly cooperate with the Comptroller General in carrying out this Act. Nothing in this Act is intended to expand or limit the authority of the General Accounting Office.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the General Accounting Office to carry out this Act \$5,200,000 for each of fiscal years 2000 through 2002.

#### SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT PROJECT.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

(b) DURATION OF PILOT PROJECT.—The pilot project under this Act shall continue for a period of 3 years, if in each fiscal year, or portion thereof included in that period, a specific annual appropriation not less than \$5,200,000 or the pro-rated equivalent thereof shall have been made for the pilot project.

(c) REPORT.—Before the conclusion of the 3-year period, the Comptroller General shall submit to Congress a report reviewing the effectiveness of the pilot project and recommending whether or not Congress should permanently authorize the pilot project.

AMENDMENT NO. 3142

(Purpose: To provide that the chairman or ranking member of a congressional committee with legislative or oversight jurisdiction may request re-

view of an economically significant rule.)

Mr. BROWNBACK. Senator LEVIN has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for Mr. LEVIN, proposes an amendment numbered 3142.

Mr. BROWNBACK. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 7, strike lines 15 through 19 and insert the following:

(1) REQUEST FOR REVIEW.—When an agency publishes an economically significant rule, a chairman or ranking member of a committee of jurisdiction of either House of Congress may request the Comptroller General of the United States to review the rule.

Mr. THOMPSON. Mr. President, I am pleased that today the Senate has passed by unanimous consent the "Truth in Regulating Act." This legislation would support Congressional oversight to ensure that important regulatory decisions are efficient, effective, and fair.

The foundation of the "Truth in Regulating Act" is the right of Congress and the people we serve to know about important regulatory decisions. Through the General Accounting Office, which serves as Congress' eyes and ears, this legislation will help us get access to the cost-benefit analysis, risk assessment, and other key information underlying important regulatory proposals. So, in a real sense, this legislation not only gives people the right to know; it gives them the right to see—to see how the government works, or doesn't. GAO will be responsible for providing an evaluation of the analysis underlying a proposed regulation, which will enable us to communicate better with the agency up front. It will help us to ensure that the proposed regulation ultimately is sensible and consistent with Congress' intent. It will help improve the quality of important regulations. This will contribute to the success of programs the public values and improve public confidence in the Federal Government, which is a real concern today.

Under the 3-year pilot project established by this legislation, a chairman or ranking member of a committee with legislative or general oversight jurisdiction, such as Governmental Affairs, may request the GAO to provide an independent evaluation of the agency regulatory analysis for any proposed economically significant rule. The Comptroller General shall submit a report no later than 180 calendar days after a committee request is received. The Comptroller General's evaluation of the rule shall include the following: an evaluation of the agency's analysis of the potential benefits of the rule; an

evaluation of the agency's analysis of the potential costs of the rule; an evaluation of the agency's analysis of alternative approaches as well as of any cost-benefit analysis, risk assessment, federalism assessment, or other analysis prepared by the agency or required for the rule; and a summary of the results of the evaluation and the implications of those results.

Mr. President, it is my hope that the "Truth in Regulating Act" will encourage Federal agencies to make better use of modern decisionmaking tools, such as benefit-cost analysis and risk assessment. Currently, these important tools often are viewed simply as options—options that aren't used as much or as well as they should be. Over the years, the Governmental Affairs Committee has reviewed and developed a voluminous record showing that our regulatory process is not working as well as intended and is missing important opportunities to achieve more cost-effective regulation. In April 1999, I chaired a hearing in which we heard testimony on the need for this proposal. The General Accounting Office has done important studies for Governmental Affairs and other committees showing that agency practices—in cost-benefit analysis, risk assessment, federalism assessments, and in meeting transparency and disclosure requirements of laws and executive orders—need significant improvement. Many other authorities support these findings. All of us benefit when government performs well and meets the needs of the people it serves.

A lot of effort and collaboration went into this legislation, which I think is why the Senate can now approve it unanimously. S. 1198 was originally the "Congressional Accountability for Regulatory Information Act of 1999," sponsored by Senator Richard SHELBY with Senators LOTT and BOND. I sponsored S. 1244, the "Truth in Regulating Act of 1999," with Senators LINCOLN, VOINOVICH, KERREY, BREAUX, LANDRIEU, INHOFE, STEVENS, BENNETT, ROBB, HAGEL, and ROTH. We synthesized these two similar bills, and I negotiated certain changes and clarifications with JOE LIEBERMAN, the Ranking Member of the Governmental Affairs Committee. On November 3, 1999, the negotiated changes were offered as a Thompson/Lieberman substitute amendment to S. 1198, and the bill was reported by the Governmental Affairs Committee by voice vote. Afterwards, I worked on clarifications with Senator LEVIN. I thank my colleagues for pulling together to get the job done.

Mr. LEVIN. Mr. President, today I am supporting Senate passage of S. 1198, a bill to provide a three year pilot program for GAO review of certain agency rule makings. These are rule makings where the Chairman or Ranking Member of a committee of jurisdiction in the House or the Senate has requested such a review after the rule has been published as proposed.

As first introduced and considered in the Governmental Affairs Committee, I



was opposed to this bill. I was concerned that it created a two track rule making process, putting GAO in the shoes of the rule making agency and having GAO carry out its own interpretation of the public comments, scientific studies and economic analyses involved in the development of the rule. But through the work of Senator THOMPSON and Senator LIEBERMAN, the bill has been reworked and refined to a point where it may provide the agencies, Congress and the public with helpful information in evaluating the work of a rule making in progress without jeopardizing the separate and distinct roles played by the Executive and Legislative branches in the regulatory process.

As most of my colleagues know, I, along with Senator THOMPSON, have been fighting for years for a regulatory reform bill that would establish clear cost-benefit analysis standards for federal rule making agencies. I believe it is very important that federal agencies do a reasonable and proficient job of assessing the potential costs and the potential benefits of a proposed regulatory option and that they inform the public and Congress of those costs and benefits and tell us whether it's likely that the benefits of a proposed rule justify the costs. If an agency can't make that determination or if an agency concludes that the benefits of a rule don't justify the costs, then it should have the obligation to tell us why it is going ahead with the regulation. That, to me, is common sense. And it's particularly important in light of recent studies which show that numerous rules issued by federal agencies don't have benefits that justify the costs. We need to know why and in the future, with that information, we can decide whether we want to regulate under those circumstances. But Senator THOMPSON and I, despite a wide ranging group of supporters and the commitment of the Administration to sign the bill, have been frustrated in our efforts to get such a bill passed.

I think passing The Regulatory Improvement Act, S. 746, should be our first priority—getting the basic systems in place—and then once passed, consider an evaluative role for GAO in reviewing what agencies are doing in response to the requirements of that new law. But in the face of entrenched opposition to the Regulatory Improvement Act, the Governmental Affairs Committee has pushed ahead with the GAO bill, and given the significant amendments made to the bill during the Committee's markup and the amendment we are adopting here, on the Senate floor, today, I am willing to help advance this legislation now. The amendments to which I refer did several important things, including: specifying that GAO's role is to review the work of the agency and not the substance of the rule; beginning GAO's review after the rule has been published as proposed; and ensuring the existing discretion and authority of both the rule making agencies and the GAO.

Mr. President, I would like to confirm with the chairman and ranking member of the Governmental Affairs Committee, if they would, my understanding of certain provisions of this bill. First, I understand from this legislation that the rule making agencies retain their authority and discretion with respect to the issuance of rules. Nothing in this bill is intended to alter an agency's authority or discretion with respect to a rule making. Is that right?

Mr. LIEBERMAN. The Senator from Michigan is correct.

Mr. LEVIN. It is also my understanding that this legislation is not intended to authorize any delay in the issuance of a rule.

Mr. THOMPSON. That's right.

Mr. LEVIN. And finally, it is my understanding that when GAO issues its report on a rule pursuant to this legislation, that report, like the audit reports GAO issues now, will allow for the subject agency to respond to the findings and comments of GAO and will embody the agency's response in the GAO report. Is that right?

Mr. THOMPSON. That is correct.

Mr. LEVIN. In short, then, this legislation neither expands or contracts the authority of GAO in reviewing an agency's rule making nor does it expand or contract a rule making agency's authority to develop or issue a rule. The legislation establishes a process by which a chairman or ranking member of a committee of jurisdiction can request GAO after a proposed rule is published, to review the rule and report to Congress within 180 days, and it gives GAO the staff resources to carry those reviews out. Is that right?

Mr. LIEBERMAN. The Senator is correct.

Mr. LEVIN. I thank the Senator from Tennessee and the Senator from Connecticut for their clarifications.

Mr. BROWNBACK. I ask unanimous consent the amendment be agreed to, the committee substitute, as amended, be agreed to, the bill be read the third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

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

The amendment (No. 3142) was agreed to.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 1198), as amended, was read the third time and passed, as follows:

S. 1198

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Regulating Act of 2000".

#### SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) increase the transparency of important regulatory decisions;

(2) promote effective congressional oversight to ensure that agency rules fulfill statutory requirements in an efficient, effective, and fair manner; and

(3) increase the accountability of Congress and the agencies to the people they serve.

#### SEC. 3. DEFINITIONS.

In this Act, the term—

(1) "agency" has the meaning given such term under section 551(1) of title 5, United States Code;

(2) "economically significant rule" means any proposed or final rule, including an interim or direct final rule, that may have an annual effect on the economy of \$100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; and

(3) "independent evaluation" means a substantive evaluation of the agency's data, methodology, and assumptions used in developing the economically significant rule, including—

(A) an explanation of how any strengths or weaknesses in those data, methodology, and assumptions support or detract from conclusions reached by the agency; and

(B) the implications, if any, of those strengths or weaknesses for the rulemaking.

#### SEC. 4. PILOT PROJECT FOR REPORT ON RULES.

(a) IN GENERAL.—

(1) REQUEST FOR REVIEW.—When an agency publishes an economically significant rule, a chairman or ranking member of a committee of jurisdiction of either House of Congress may request the Comptroller General of the United States to review the rule.

(2) REPORT.—The Comptroller General shall submit a report on each economically significant rule selected under paragraph (4) to the committees of jurisdiction in each House of Congress not later than 180 calendar days after a committee request is received. The report shall include an independent evaluation of the economically significant rule by the Comptroller General.

(3) INDEPENDENT EVALUATION.—The independent evaluation of the economically significant rule by the Comptroller General under paragraph (2) shall include—

(A) an evaluation of the agency's analysis of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to receive the benefits;

(B) an evaluation of the agency's analysis of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to bear the costs;

(C) an evaluation of the agency's analysis of alternative approaches set forth in the notice of proposed rulemaking and in the rule-making record, as well as of any regulatory impact analysis, federalism assessment, or other analysis or assessment prepared by the agency or required for the economically significant rule; and

(D) a summary of the results of the evaluation of the Comptroller General and the implications of those results.

(4) PROCEDURES FOR PRIORITIES OF REQUESTS.—The Comptroller General shall have discretion to develop procedures for determining the priority and number of requests for review under paragraph (1) for which a report will be submitted under paragraph (2).

(b) AUTHORITY OF COMPTROLLER GENERAL.—Each agency shall promptly cooperate with the Comptroller General in carrying out this Act. Nothing in this Act is intended to expand or limit the authority of the General Accounting Office.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the General Accounting Office to carry out this Act \$5,200,000 for each of fiscal years 2000 through 2002.

**SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT PROJECT.**

(a) **EFFECTIVE DATE.**—This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

(b) **DURATION OF PILOT PROJECT.**—The pilot project under this Act shall continue for a period of 3 years, if in each fiscal year, or portion thereof included in that period, a specific annual appropriation not less than \$5,200,000 or the pro-rated equivalent thereof shall have been made for the pilot project.

(c) **REPORT.**—Before the conclusion of the 3-year period, the Comptroller General shall submit to Congress a report reviewing the effectiveness of the pilot project and recommending whether or not Congress should permanently authorize the pilot project.

The title was amended to read: "A bill to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes."

**ORDERS FOR WEDNESDAY, MAY 10, 2000**

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, May 10. I further ask consent that immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate immediately proceed to a vote on the motion to proceed to the conference report to accompany H.R. 434, the African Trade-Caribbean Basin Initiative, as under the order.

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

**PROGRAM**

Mr. BROWNBACK. For the information of all Senators, the Senate will vote on the motion to proceed to the African trade conference report at 9:30 a.m. If the motion to proceed is adopted, cloture will be filed on the conference report, with that cloture vote

to occur on Thursday at 10:30 a.m. Debate on the measure is expected to take up most of tomorrow's session.

**ADJOURNMENT UNTIL 9:30 A.M. TOMORROW**

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until Wednesday, May 10, 2000, at 9:30 a.m.

**NOMINATIONS**

Executive nominations received by the Senate May 9, 2000:

**DEPARTMENT OF STATE**

MARJORIE RANSOM, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF YEMEN.

**THE JUDICIARY**

PAUL C. HUCK, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE KENNETH L. RYSKAMP, RETIRED.