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Senate

The Senate met at 9:34 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:

Dear God, our Father, we are recipients of the impact of the prayers of intercession prayed by millions of Americans around the clock. Help us to remember that You are seeking to answer those prayers as we receive Your wisdom and guidance. May we never feel alone or solely dependent on our own strength. Your mighty power impinges on us here as a result of people's prayers. An unlimited supply of Your supernatural wisdom and strength and vision is ready to be released.

Remind us also that our ability to receive all that You have to give is dependent on our willingness to pray for each other here as we work together in the Senate. We commit ourselves to become channels of prayer power, not only for our friends and those with whom we agree but also for those with whom we might disagree, those we might consider political adversaries, and especially those who test our patience and those whom we need to forgive. So lift our lives from the battle zone of combative words to a caring community where leaders pray for and communicate esteem to each other. Thank you for giving us unity in spirit as we deal with the diversity of ideas.

This morning, gracious Lord, we ask for Your blessing, peace, and healing for our friend, Mike Epstein. Be with him and help him to know that You are indeed Jehovah Shema and Jehovah Shalom.

In Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, 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 PRESIDENT pro tempore. The Senator from Colorado is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will be in a period of morning business until 11 a.m., with the time controlled by Senator THOMAS and Senator WELLSTONE. Following morning business, the Senate will resume consideration of S. 2, the Elementary and Secondary Education Act, with four amendments also in order under the previous agreement. Members can expect votes throughout the day.

For the information of all Senators, the Senate will continue to debate this important education legislation throughout the week. It is hoped that the Senate can make substantial progress on this bill, and that we can continue to debate education-related amendments.

I thank my colleagues for their attention. I yield.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that, because we got started a little bit late, both sides have 45 minutes in morning business.

Mr. ALLARD. No objection.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the first 45 minutes is under the control of the Senator from Minnesota, Mr. WELLSTONE, or his designee.

I now recognize the Senator from Minnesota.

MIKE EPSTEIN

Mr. WELLSTONE. Mr. President, let me thank the leadership of both parties for allowing the Senate to talk to a very dear friend, Mike Epstein. I want you to know, Mike, and your family, that a lot of our staff are back here as well with me. I think this is a little unusual, that the Senate stops its business and focuses on an individual in this way. But I think there are some things that many of us want to say to Mike.

I want to start out this way. When I mentioned in the past couple of days to Senators, but also support staff everywhere here, that my friend Mike was struggling with cancer, I just could never have anticipated the reaction. Mike, I want you to know I can think of at least four or five times where someone said to me: Mike? He's an institution.

I know Mike's priorities, so let me be clear about the people who talk about Mike as an institution. And, Mike, I know you; this was real. This was real.

Some of the people who said Mike is an institution were support staff. People said to me: Mike just treats everybody so well. He is such a nice, good person. He is great, just because of the way he treats people.

Mike, that is the best compliment of all.

Then Senators said to me: PAUL, Mike Epstein is an institution in the Senate. Some may have been thinking about history. Some in the Senate—I

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

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do not think that many because we have had a lot of new Senators—know of Mike's role with the Church committee and the important investigative research he has done.

There are others who are familiar, Mike, with the kind of work you have done with Senator KENNEDY. Mike did some of the most important investigative research on HIV infection and AIDS early on when other people in the country did not even want to focus on this.

Then other Senators said to me: PAUL, we are going to come to the floor and talk to Mike today because we have worked with him on the Senate Foreign Relations Committee when he was chief counsel to the committee.

Then way down on the list of priorities—because I am talking to you, Mike, about great work that you do—has been the work that Mike and I have done together. Mike, I know you will not like me saying this, but I am going to say it anyway because it is true. I believe from the bottom of my heart that everything I have been able to do as a Senator that has been good for Minnesota and the country is because, Mike, you have been there right by my side, 1 inch away from me.

A lot of the people in the Senate know that. As a matter of fact, I say to my colleagues on the floor, I will never forget one time when I finally learned at least a little bit of the rules and I was able to come to the floor and fight very hard a number of years ago for some assistance for victims of a tornado that hit Chandler, MN, and other small communities. Mike was there as my tutor, as my teacher, teaching me, as you do, Mike.

It worked out well, but afterwards, Alan Simpson, a former Senator from Wyoming, came up to me and said: PAUL?

I said: Yes?

He said: You see those fellows on the other side of the aisle?—pointing to the Republicans, and I think Nancy Kassebaum was there as well.

I said: Yes.

He said: They have been looking at you.

I said: Yes.

Mike was a ways behind me about where Tinker is sitting right now.

He said: He has been right next to you the whole time. It doesn't look good. It looks like you can't do it yourself. It looks like he is doing it for you. PAUL, the trick is this: You want to have Mike far enough away from you so that it looks like you are doing it yourself but close enough to you in case they throw a whizzer on you, he can be 1 inch away from your side.

That has basically been my methodology as a Senator. I had Mike far enough away so it looked like I was doing it on my own, but Mike was close enough so that always when I needed the advice, I got it.

Mike Epstein, I speak on the floor today in the Senate, and others are coming out to speak, because you are an institution and I want to make sure you and your family hear these words loudly and clearly.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, when I learned Mike was sick, I thought I should come down and say a few words. I thought: What can I say? I do not want to say anything that will not be appropriate. I went to my person who does my floor work in the Senate, Peter Arapis. I said: Tell me about Mike Epstein. What do you know about Mike Epstein?

He said—and I made some notes—he always told us some jokes and he was always funny, always had a smile, and he appears to be Senator WELLSTONE's best friend. Those are the same things I felt about Mike Epstein.

The feelings about Mike are pretty well known in the Senate. He has a great sense of humor. He always had that sly grin on his face when he was in the Senate, which I appreciated a lot.

Mike, I always appreciated your being so courteous to me. I had a lot of dealings with you because as we proceed in the Senate—and I say this through Senator WELLSTONE to Mike—it seems one of my responsibilities is to get the legislation moving. A lot of times Senator WELLSTONE threw a monkey wrench into legislation moving. Who would I go to to find out what really was happening? I would go to the back row and talk to Mike and say: Mike, what is going on here? He would have a grin on his face as he would tell me what was going on. He was always the person I would go to to break through the Wellstone logjam that was created.

I was looking this morning for something to describe you, Mike. I found a quote by James Barrie that is pretty good. I believe it really sizes up what you appear to be to me. Barrie said, ''Always be a little kinder than necessary.''

Certainly with Mike Epstein, that is the case. Mike was always a little kinder than necessary to me. Always kind. A lot of times I thought to myself: Wow, that is really a nice person. I guess I thought maybe he was a little kinder to me than was necessary.

I never looked at Mike's resume. My staff gave me a little background resume of Mike today. Here is a man who graduated from Brown University. Brown is an Ivy League school. It is a wonderful school; some say the best school in America. It is very hard to get in. It is a small school, and they only take the best people whom they think can academically be a success.

Then, of course, he went to Boston University Law School, which is one of the top law schools in the country.

He had a resume. He could have gone anyplace in the world to work in the legal field. He could have gone anyplace in the legal field in America to work. He decided very early on that he wanted a life in public service, and that is what he did. As soon as he got out of law school, he served in the Justice Department as staff counsel, prosecuting attorney, special assistant to the Attorney General, and worked in the Criminal Division.

In 1970 or 1971, Mike moved to Capitol Hill where he spent the rest of his career. What a career it was. I repeat, at any juncture of Mike's career, he could have gone anyplace in Washington to make the big bucks as a lobbyist, as an attorney in one of the big law firms, but he decided not to do that.

He decided to be a counsel to the special commission to investigate intelligence activities—Senate counsel on the Intelligence Committee. He was counsel to one of the Senate Democratic leaders. He was chief counsel to the Foreign Relations Committee. And he, of course, for the last 10 years or so has been the legislative director for Senator WELLSTONE.

At any juncture of his career, including any time he worked for Senator WELLSTONE, he could have gone anyplace in town to make a lot of money. He has a great academic background, and of course his experience is tremendous.

So I feel very moved to say nice things about Mike Epstein, things I wish I had said earlier.

So, Mike, I certainly wish you the best. I know your health isn't as good as we would like it. But I certainly hope you have some peace and rest in the next little bit and that you recognize how much we would like to see you in this back row, helping Senator WELLSTONE—kind of the ''Mini-Me'' of the Wellstone operation.

I think it is also important that Jonathan and Bob—your two children—recognize the great contributions you have made to Government in America. Things are better because of you. Certainly, I know the many contributions Senator WELLSTONE has made during his career have been directly related to your expertise.

I yield the floor.

Mr. WELLSTONE. Mr. President, I thank the Senator from Nevada.

Mr. DASCHLE. Mr. President, I am not sure what the time allocation is, but I will use my leader time to make a few remarks, if I may.

Mr. President, every day—until very recently—if you looked toward the west entrance to the Senate floor, as my colleague from Nevada has just noted, chances are, you would see Mike Epstein—with that wonderful, warm smile—Senator WELLSTONE's learned and much-loved legislative director.

Today, however, as so many of my colleagues have already noted, Mike is not with us. He is at home resting, because he is very, very sick. His absence from this floor, from this Senate he loves so well, is conspicuous. It is being felt in the hearts of every member of the Senate community. Indeed, it is being felt in the very heart of this institution itself.

For Mike Epstein is actually an institution within an institution.

He is a Senate staffer of the old school. He came to the Senate in 1971—before virtually every member of the Senate staff, and before all but seven sitting Senators.

That is not the kind of thing Mike would ever tell you. As a staffer of the old school, he isn't given to boasting or self-promotion. Then again, he doesn't have to: his experience and his ability speak for themselves.

During Mike's tenure here, he has served on the staffs, as I am sure my colleagues have already noted, of some of our most distinguished Senators to serve in my lifetime, including Senator ROBERT C. BYRD, Senator TED KENNEDY, Senator PAUL SARBANES, and now—for the last 9 years—our dear, dear Senator from Minnesota, Mr. PAUL WELLSTONE.

He also served as a member of the staffs of the Committees on Foreign Relations, Ethics, Labor and Human Resources, and Judiciary.

He first came to Washington in 1962 as a young attorney working at the Department of Justice for Attorney General Robert F. Kennedy.

Along the way he picked up a library full of knowledge, and a mind full of wisdom.

He became—at the elbow of the master, Senator ROBERT C. BYRD—an expert in Senate history, rules, and parliamentary procedure.

He also became a friend, teacher, and mentor to generations of Senate staff.

And he became a valued and trusted counselor to the Senators for whom he worked, and for many others—this Senator included.

What a career. What a remarkable achievement. But then again, what a remarkable man.

What is perhaps most remarkable about Mike is his passion.

Even though all those years of public service tends to wear someone down, Mike is still fiercely, proudly committed to the ideals of a progressive agenda, much like his boss, Senator WELLSTONE.

But ''boss'' is the wrong term to use in describing the relationship between Mike and PAUL. They are more like family. In fact, Mike says PAUL is like a brother to him. I know PAUL feels exactly the same way about Mike.

Before joining PAUL's staff in 1991, Mike told a friend that his dream job would be to work as Senator PAUL WELLSTONE's legislative director. That dream came true for Mike, and he and PAUL have been inseparable ever since.

So, Mr. President, on behalf of the Democratic Conference, the Democratic staff, and frankly, the entire Democratic Party, not to mention our Senate community, I thank my friend, PAUL WELLSTONE for being here today and for telling this Senate how much Mike Epstein means to this institution and to all of us.

Most of all, I want to express our heartfelt gratitude to our gallant, courageous colleague, Mike Epstein, for his friendship—and for his inspired service to the Senate and to the Nation.

Mike, we are keeping you and your family very much in our thoughts and in our prayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, yesterday Senator WELLSTONE told our caucus of the health challenges Mike Epstein has been facing. I am someone who knows Mike. Am I his closest friend? No. But Senator WELLSTONE had his office next to mine in the Hart Building. Every day—during votes, and coming and going in the Senate—I would see Mike Epstein and see my colleague, Senator WELLSTONE, moving back and forth. I watched, with some wonder, at the work he did for Senator WELLSTONE.

I know he is now facing a health challenge that is difficult. I know there are times in this fast-paced world of ours—especially here in the Senate, with the travel and the hearings and the moving about quickly—that it is easy to forget what makes this work and what has real value in our lives.

This is a moment, as Mike faces this challenge, to say to Mike: Our thoughts and prayers are with you today as you face this serious health challenge. But we also want, as we think of you, to say thanks for what you have done here. The people who serve here, especially my colleague, Senator WELLSTONE, know how important personal relationships are.

The only thing we really have, as we try to deal with public policy, is our work. Personal relationships are everything. But it is not just personal relationships between Senators; it is also the relationships that exist around here between Senators and some talented, dedicated people who help make this institution work. One of those is Mike Epstein.

Each of us aspired to serve our country in different ways. That is what persuaded us in the Senate to seek public office. It is what inspires some of the most talented, dedicated men and women in our country to want to come and serve and work in these Senate offices.

Mike Epstein has worked with Senator WELLSTONE for many years. I know Senator REID just talked about at the end of considering pieces of legislation. I say to Senator WELLSTONE, at the end of the consideration of pieces of legislation that are long, torturous trials, trying to get all the amendments in, Senator REID and I have always tried to figure out, how do we get these amendments compressed? In almost every case, at the end of the process, it has been Senator WELLSTONE who has had three or four amendments.

The reason: I know Mike Epstein would be sitting behind Senator WELLSTONE, and Senator WELLSTONE would be exhibiting this passion, saying: No, we have to do these. This is important. It has been because he shares Mike's commitment to give voice to the voiceless, and hope to the hopeless, and to not let the big things obscure things that are important to average Americans and people who are struggling out there every day.

That is the legacy of the service of someone such as Mike Epstein to this Senate. As he struggles with this health challenge, I just wanted to comment, as a member of this caucus, and to say to Senator WELLSTONE, and say directly to Mike Epstein, our thoughts and prayers are with you. This country is better because of your service in this Senate.

We wish you well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first of all, I thank my friend and colleague, Senator PAUL WELLSTONE, for having the foresight and the intelligence to have Mike Epstein on his staff for all the years he has been here in the Senate.

I say to you, Mike, you could not have picked a better person to work for in the Senate. PAUL is in the great tradition of those you have worked with before in the Senate.

I also want to thank you, Mike, for all of your work in the Senate over all these years. When I heard the other day that you were home battling cancer, I said, it is impossible; I saw him right back here just the other day, in back of the balustrade over here. Many times I would be sitting here when debate would be going on, and I would go over and say, ''Mike, tell me what is happening,'' or ''What is going on here on the floor?'' or ''What is the amendment? What is our strategy?''

Mike would fill me in. I thank you, Mike, for keeping me up to speed as to what was happening on the floor a lot of times. Mostly, I also want to thank you, Mike, for all the times we rode back and forth on the subway cars together. It seems around here that sometimes you just kind of meet certain people at certain times. It is unplanned and it sort of happens. I don't know why, but you and I, Mike, seemed to be on the same schedule to ride the subway. I don't know what the subway ride is, a couple or 3 minutes. There was always time for me to get a 3-minute briefing from you, Mike, on what we were doing and what we were fighting for. It revolved around I think what I would like to say is the liberal cause.

If there is one thing I would like to really thank both Mike Epstein and PAUL WELLSTONE for, it is for fighting for the liberal cause. I can't think of anyone who embodies more of what I believe is the real face of liberalism in this country than you, Mike. I think of what President Kennedy once said. I may get the words a little wrong because I am reaching into my memory bank now. But President Kennedy was

once asked—I believe when he was running for President—about being a ''liberal,'' whether he was a liberal or not. President Kennedy responded by saying: Well, if by liberal you mean someone who is soft on defense, someone who is not concerned about ethics and morals, someone who doesn't believe in responsibility and accountability—if that is what you mean by liberal, that is not me. But if by liberal you mean someone who cares deeply about the health and the welfare and the happiness of our people, and if by liberal you mean someone who fights for the education of all of our kids, even the most disadvantaged, and if by liberal you mean someone who will fight for the elderly and their rights in our society, if that is what you mean by liberal, then I am one, and I am proud to be one.

So, Mike, I think you embody exactly what President Kennedy was talking about. In all the years I have known you, that has really been your mantle. In all the strategies we had here in fighting for legislation, I think you, Mike, really represented those who didn't have a high paid lobbyist pushing for them, such as children in poverty, working parents who needed some help, and even my people living in rural areas—a lot of times you helped them.

I just wanted to take this time to thank you, Mike, for always fighting for what I believe is in the best traditions of liberalism in this country. It is the liberal attitude that I believe makes us more compassionate and understanding toward one another, and you have embodied that during the entire time I have known you for all these years.

Again, I thank you for that. You have been a great person, a remarkable person. For as long as I am here, I am always going to turn back to the balustrade and look for Mike Epstein to tell me what is going on and what our strategy is and to keep me focused on what really matters around this place, and that is what we do to enhance the lives of people at the bottom of the ladder. That really is the mark of what we are about and should be about as a Senate.

Mike, I thank you, and I thank PAUL for getting us together this morning to pay tribute to you. I know you are struggling right now, and I just want you to know that you are always in my thoughts and you are always in my prayers. I can just tell you that all the things you have fought for and believed in so strongly in the Senate, believe me, we are going to keep on going with them. So take care of yourself and just know that we are with you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I join with my other colleagues, first of all, in thanking a very special friend and someone we admire and care so much about, our colleague, PAUL WELLSTONE, as TOM HARKIN has said, for bringing us together. I thank him for persuading our leaders who have responded positively that we take a few moments from the business of the Senate to give recognition to an individual who has given so much of his life to this institution and, really, to our country.

I am grateful to join with my colleagues in adding a word about this extraordinary individual because, in a very important way, his life has been the U.S. Senate. I was fortunate enough, along that pathway of his, to have the opportunity to work with him, as several of my colleagues did, those who are here now, such as Senator SARBANES, and some who are not with us, Phil Hart and Claiborne Pell, as well as Senator Byrd. So I welcome this chance to join with others in recognizing Mike Epstein's extraordinary service.

Mike Epstein came to the Senate Judiciary Committee after 9 years at the Department of Justice, where he served as a Federal prosecutor. He used those same skills that made him a top-notch prosecutor to investigate some of the most difficult issues before our country. If there was a lead, he pursued it. If there was a fact to be found, he would find it. He left no stone unturned. He served the committee well, and I am proud that he was a member of my staff.

It was during that period that Mike's love for this institution grew and matured. Though he left briefly in 1974, he couldn't stay away for very long. Within months, he was back working for the Senate Intelligence Committee, and later for three additional committees, and then for several of my colleagues.

It is a mark of the man that Mike worked for so many different committees and Senators. His career in the Senate reflects an extraordinary breadth of interests and a genuine love for this institution. He is well-versed on issues ranging from international affairs to education; from health care to drug treatment and prevention. In fact, the country owes Mike a debt of gratitude for his tireless work on the 1988 drug policy legislation. He was an articulate advocate for a more balanced and comprehensive approach to drug policy.

Because of his landmark work, the country began to enhance its enforcement efforts by also considering the importance of drug prevention and treatment, as well as a fairer approach to sentencing.

Mike's work on each of these issues was guided by a love for national policy and also for the Senate and its procedures. He understands so well the relationship between the rules and the outcome of a legislative debate, which is so key in being a useful and productive and effective Member of this body.

The rules form a framework that ensures the fairness of the debate and an outcome that can be respected. Mike knows that, and it is reflected in his work. In so many instances, his knowledge of the ways of the Senate was drawn upon by so many of our colleagues in ways to advance the cause of our common humanity and decency.

Mike Epstein's work in the Senate will be long remembered—the legislative battles he helped us win, and the losing battles he helped us fight so well. But his true legacy will be his commitment to public service, and his dedication to the institution. He is among the ranks of those who choose to give deeply of themselves to make a significant difference in the lives of so many people across this country. That achievement will stand as a shining example to everyone who works in the Senate—Senators and staffers alike.

I grew up in a family where members of the family were taught that they should and they could make a difference, and that each of them should try.

I remember listening to the members of our family who said you do not have to be a United States Senator to make a difference. All you have to do is give of yourself and work towards a purpose.

This country is a better country because of Mike Epstein. Today there are scores of people—there are children who are getting better opportunities, young people who are getting better educations, older people whose lives have been enhanced—who will never know the name of Mike Epstein. But because of Mike, their lives are more graceful and more useful and more productive, and their sense of hope is realized—all because of the extraordinary service of an extraordinary human being.

We love you, Mike, and we always will.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Maryland.

Mr. SARBANES. Mr. President, I join my colleagues in expressing appreciation to Senator WELLSTONE for arranging for this period this morning to give us a chance to send a message to Mike, and to talk with him, as it were, long distance for just a few minutes.

I was struck as I listened to my colleagues as they spoke about Mike's attributes. His kindness, his warmth, which I think everyone who came in contact with him would subscribe to.

I still remember him on the staff back row here in the Chamber with, I guess one might call it, a mischievous smile on his face, and his generosity with his counsel.

Presumably Senator WELLSTONE was aware and gave a special dispensation to all of us to contact Mike, even though he was working for PAUL, for his counsel and advice on matters that were before the Senate.

I took advantage of that opportunity on many an occasion, and always benefited from it.

He has been spoken about by many of my colleagues as an institution in the Senate, and I think that is very true.

But I want to make this point in talking about Mike as an institution, and the impact he had on this body. I

think we are also paying a tribute to all of the loyal and hard-working staff in the Senate who make it possible for this institution to function and to play its proper role in the American constitutional system.

He and Senator WELLSTONE developed a very close relationship. As some have noted, they were like family—like brothers towards one another. But Mike's family is also all of us because he was such a caring friend.

So this is a trying time. Mike, we want you to know that you are very much in our thoughts and in our prayers, and as the Chaplain said this morning when he opened the Senate and pronounced his blessing we also hope that you will derive some peace and harmony from this conversation.

I want to talk for a moment about Mike Epstein as a thoroughly committed fighter for progressive principles.

As others have noted, when he finished law school in 1961 at Boston University where he graduated with honors and was an editor of the Law Review, he came to Washington and went to work for the Justice Department. That was headed at the time by another Kennedy. Mike enlisted in that effort and served with great distinction in the Department of Justice for almost 10 years.

He then came to Capitol Hill and held a number of very significant responsibilities in the Senate: Counsel to Senator KENNEDY; then Counsel to the special committee to investigate intelligence activities, the Church committee. He was counsel to the Select Committee on Intelligence; counsel to the Democratic leader. For more than two years, he was chief counsel to the Senate Committee on Foreign Relations, which is where I got to know him best. I had that wonderful opportunity to work closely with Mike and I still treasure the close relationship we developed.

Consistently throughout all these responsibilities, Mike reflected his abiding commitment to the U.S. Constitution.

He understood the significance of the Constitution in our political system, and Mike, again and again in carrying out your responsibilities, your determination that we should pay appropriate respect and deference to the Constitution constantly came through.

Secondly, I was struck by Mike's commitment to American democracy. It is a complicated business to make American democracy work—We are a very diverse, pluralistic nation. We are now getting up towards 300 million people. Mike understood the importance of opportunity and fairness for the workings of the American political system and was constantly committed to those goals and to those objectives.

He had an abiding commitment to working people. As Senator KENNEDY noted, there are hosts of people across the country who never met Mike Epstein and don't know his name, but lead better lives today because of the work and the commitment of Mike Epstein here in the Halls of the Congress for now almost three decades.

So Mike, we want to take this opportunity to just talk with you and tell you how much you have meant to all of us.

I want to close with one final observation. Mike, throughout all of this commitment and tough fighting for principle and for causes, you consistently reflected a civility and a decency and a respect for others which I think, explains, why you have come so much into the hearts of so many people.

I join others in expressing my gratitude to you for all you have meant to us, and in wishing you the very best now in this difficult and trying time, and in saying a very heartfelt thank you for being our friend.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, it is an honor to be able to talk to Mike for just a couple of minutes and to do so with my friends whom you and I care so much about and to say, particularly to Senator WELLSTONE, thank you for standing up in the caucus and for telling us about Mike's battle and inviting us to speak with him.

The message I want to give you today, Mike, is that you have made a mark in the Senate. It is hard to do that because I am sure you know we have at least 100 fairly large egos around here. To make a mark in such a place is a tribute to you. You have made a mark among so many Senators—by the way, you picked some wonderful ones to work for—and also among staff.

I don't know whether you can see the staff here, Mike, but there are quite a number of them here today. If they could grab a microphone away from us, I know they would. They also send their strong and best wishes to you and their love.

It is kind of unusual for someone to have that kind of amazing respect and admiration from Senators and staffers alike. There is a reason for it. You chose this career for the right reasons—not for the power, not for the influence. In many ways, you have that through the powerful and effective people for whom you work.

But that is not why you decided to make your career in public service. It is really because inside you, you have this burning feeling that we need to make life better for all the American people. That is reflected in the work you do, as well as the people for whom you chose to work. That is reflected in making life better for families, children, and workers, regardless of who they are or what their status is.

But I want to tell you, Mike, I remember just a couple of weeks ago when I was feeling my oats because we had won an amendment on the floor dealing with sensible gun laws. It had been such a struggle. I found myself in the subway, going back to my office with you, Mike. Boy, I was feeling good because we don't win a lot around here these days. It was a good feeling. You looked at me and instead of saying, good work—which is of course what I wanted to hear from you—you said: You know, we really have much more to do on this. We have to build on this. We have to take it the next step.

At first, I thought, this was not what I wanted to hear. I wanted to relax and enjoy the moment. When I got back to my office I realized: He is right, we just have to build on our success. We have to keep on working and keep pushing.

That gleam Mike always has in his eye really comes with this message of fighting. That is why I think he and PAUL WELLSTONE are such a great combination. You can't have more of a fighter for the people than PAUL WELLSTONE. It is a great and contagious quality. We need more of it around here. It is easy to give up, whatever side of the aisle you are on, or wherever you stand on the issues. It is tough to get in some of these battles. It is tough to stand and debate and fight for your point of view.

There is a lot at stake, Mike, and you always understand that. I hope you can take that amazing spirit, fight, and spark with your family, engage in this fight you are in right now, and know that a lot of Members, including staff and Senators alike, really care about you and respect you so much.

Thank you.

Mr. FEINGOLD. Mr. President, I am pleased that Senator WELLSTONE is on the floor at this point. I want to join my colleagues and speak regarding our good friend, Mike Epstein, and I send my thoughts to Mike as well. This is a wonderful place to work in the Senate and in this community. But it is a tough town. Mike Epstein is one of the warmest, best people I have ever met. For a while, I was a little jealous that he worked for Senator WELLSTONE, until I found out that Senator WELLSTONE, with Mike Epstein, is a team operation. Whenever I needed encouragement out here and Paul wasn't around, or somebody from my office, all I had to do is turn back and look at Mike who would give me a warm smile and good advice. He is a good friend. I am proud to be associated with Mike and to have worked with him over the years.

I thank Paul very much for giving us this opportunity.

Mr. WELLSTONE. Mr. President, my colleague from Wisconsin sent a wonderful letter that was read to Mike and he loved it. I thank him for that.

Mr. WELLSTONE. I thank all of the Senators who spoke for Mike and his family. There are other Senators who will be speaking who could not work into this timeframe. It is quite amazing to have so many people come down.

Mike, I want you to know that the Parliamentarian, staff, Republican, Democrat, everybody here has a look on their face, an expression of love and support for you and your family.

I finish this way, Mike. It has not been our friendship—the relationship is not like I hired somebody to be my assistant; it is more like I hired somebody who has been my teacher. Maybe that is why we are joined at the hip.

Sometimes when I come to the floor, probably I make mistakes, maybe get too intense, feel too strongly. I will ask Mike, how have I done? He will be willing to give me quite a bit of constructive criticism. But sometimes I will be down on the floor with other Senators and I will go back to the office and I will go to Mike and look for approval. I will say: Mike, how did I do? And he will say: That was just right.

Mike, I hope you think this was just right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. What is the time status?

The PRESIDING OFFICER. Under the previous order, the time until 11:15 is under the control of the Senator from Wyoming or his designee.

Mr. THOMAS. Let me first say how touching and impressive it was for the Senators to come to the floor and make these comments. All of us have Mike in our hearts and prayers.

I yield to the Senator from Idaho as much time as he desires.

EDUCATIONAL OPPORTUNITIES ACT

Mr. CRAPO. Mr. President, I appreciate the opportunity to come to the floor today and speak with regard to the Educational Opportunities Act we will be debating later today. The Educational Opportunities Act represents an opportunity to make a striking change in education in America. I will quickly go over what it is that this act with which we are dealing will do.

Title I of the act is dedicated to helping disadvantaged children meet the high standards of education that we seek to have them achieve.

Title II is dedicated to improving teacher quality throughout the Nation.

Title III contains enrichment initiatives for our schools, including initiatives such as the gifted and talented programs; the advanced placement programs; help for neglected, delinquent, and at-risk students; and help for each school to meet each child's unique educational needs.

Title IV deals with developing safe and drug-free schools.

Title V deals with initiatives for educational opportunities, initiatives that will involve opportunities such as taking maximum advantage of the technology education we need to provide for our children.

Title VI involves innovative education where we give flexibility and power to the local teachers and parents to create innovative educational programs in their communities that will help empower students.

Title VII deals with bilingual education and language enhancement acquisition so those who need to develop the necessary skills to speak English can be given the assistance to do so.

Title VIII deals with impact aid, a form of aid critically important for those areas where the Federal Government creates an additional burden through its use of Federal property. And Title VIII deals with Indians, Native Hawaiians, and Alaskan Native education, dealing with specific needs throughout the Nation where we need focused efforts.

I thank the chairman of the HELP Committee, Senator JEFFORDS for his leadership on this bill. I also like to thank the ranking member, Senator KENNEDY, and all the members of the committee for their time and efforts to bring forth a bill that invests in public schools and offers our children an unparalleled opportunity for education reform and a better education. I commend all for your endeavors in tackling the tough decisions that face our schools and our children.

The pending ESEA bill offers students and parents a tremendous opportunity for better schools and a better education. Perhaps our greatest accomplishment in this bill is the reduction of Federal regulations. While the Federal financial contribution is approximately 7 percent of total education costs, the requirements currently placed on States represent a disproportionate burden in redtape and Federal control.

Granting waivers to States, and allowing them to bypass complex, confusing, and time consuming mandates, is one of the most important things S. 2 does to help schools reach their full potential.

In exchange for increased State and local flexibility, the Education Opportunities Act requires greater accountability for improving student performance. By establishing high standards and demanding accountability, this bill represents a great step toward ensuring the academic success of all students.

Senator GORTON's Straight A's proposal also allows interested States to consolidate up to twelve Federal formula grant programs in exchange for flexible approaches that boost student achievement. The Straight A's program gives States more flexibility in the use of Federal funds, so long as it can be demonstrated that the flexibility is used to achieve higher academic results for students.

Senator GREGG's efforts to promote portability should also be commended. This child-centered approach establishes per-pupil amounts to be used for supplemental services, such as tutoring. This change, would for the first time, ensure that the money follows the student. No longer will a school with title I students go without receiving funding for the very students it is asked to educate.

As I have looked through this bill and reviewed the various provisions, I am particularly pleased to see a number of measures I introduced earlier this year in separate legislation have been included. These bills focused on the growing needs of education in our rural communities. Earlier this year, I introduced an education bill—now title VI part B, the Rural Education Initiative—that would allow school districts to combine the small amounts of funding they may receive for specified programs, to accumulate a book of funds large enough to address local priorities. The committee recognized the unique challenges facing rural school districts by incorporating this important provision into the bill before us today. The students, parents, teachers, and administrators in Idaho appreciate your commitment to small, and sometimes poor, rural school districts.

Regarding title VIII and the Impact Aid Program, I am pleased to see legislation I authored earlier this year included in the bill. My legislation recommended changing the formulas by which Impact Aid funds are distributed to schools. This change, and other important changes in the bill before us, reaffirm our commitment to those children in schools where the loss of local property taxes due to a large Federal presence has placed an extra burden on local taxpayers.

The Educational Opportunities Act also ensures that teachers are an integral part of the effort to improve public education. The bill recognizes that strong professional development for our teachers is the foundation of our effort to facilitate improved student achievement. Whether professional development is emphasized through technology training, quality mentoring, or programs to recruit, hire, and train certified teachers, all which I proposed in legislation earlier this year, under this bill schools will have the flexibility to influence education based on local principles and local successes. Nothing can replace qualified teachers with high standards and a desire to teach. Coupled with professional development opportunities, our teachers must be equipped to positively influence and inspire every child in their classroom, and ultimately accelerate student achievement.

As I close, I would like to clarify one position that I have heard misstated, not only during this debate, but in various forums on education reform. Some have expressed the unwillingness of Republicans to adequately fund education initiatives like many of those we are debating today. Some individuals have gone so far as to say that we have proposed significant cuts. This is far from the truth. Last year's consolidated appropriations bill included significant funding increases for education. In fact, education was funded at $990 million above the President's budget request and $2.4 billion more than fiscal year 1999 levels. While there is a clear disagreement on how to spend education funds, I hope that we can proceed with an honest and accurate discussion about the support for adequate funding.

If we put our differences aside and work together to pass this bill, ESEA will be reauthorized for five years, with a price tag of nearly $160 billion. In 1965, the original ESEA bill was enacted to close the achievement gap between rich and poor students. I have yet to speak to a Senator who is not willing to provide the funds to achieve this worthy goal. But, I believe there are some Senators who share my concern that we will continue to fund a system where the original goal of this 35-year-old law is no closer to being met. Instead of narrowing the achievement gap, we see the gap actually widening. Too many of our students continue to perform at low standards, with many ranking near the bottom of a list of 21 industrialized nations in many subject areas. Continued Federal funding should be implemented with the goal of closing the achievement gap, and rewarding successful schools, rather than funneling money into failing programs. If our original goal remains—closing the achievement gap—it is not unreasonable for Federal funds to be tied to strict accountability standards.

Congress takes up the reauthorization of the Elementary and Secondary Education Act every 5 years. What we do now will significantly impact the lives of all students. We cannot sit around any more waiting to see if our old programs suddenly work. In 5 years, one child will have completed his or her elementary career. Another will graduate from high school and enter our increasingly demanding technological workforce. Are we willing to let another 5 years go by before making real changes? Are we willing to allow another child to be pushed through a failing system? I am not, and that is why the provisions and initiatives incorporated in this bill must be supported.

Education is the key that unlocks the future for our children, our State, our Nation, and there is no higher priority. I support the Educational Opportunities Act, which reauthorizes the Elementary and Secondary Education Act and I urge my colleagues to work together to pass a bill we can all take pride in supporting.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise today to talk about our vision for the future, our vision for the future of education and why that is important for the future. We have to provide a high-quality education to the students of the United States in order for them to be able to compete, for them to be able to grow, for them to be able to prosper into our future. I think it is critical at this juncture that we in this country talk about what that vision is of our future, that vision of education in our future.

We are talking about a different model. We are talking about a different way to go. We are talking about more innovation. We are talking about more individual decisionmaking. We are talking about a system which will allow students in that individual classroom, and teachers and local boards of education and States, to make more decisions about their future than they have had the freedom to make, using education dollars, at any time in the past.

This is a model we followed previously. I think the correct model to look at is welfare reform that this Congress, in 1995 and 1996, debated and passed. It was major welfare reform legislation in that we went from a federalized system of one-size-fits-all rules and regulations to a State system. We set up some parameters and guidelines at the outset. We said our objective was to get people to work and have the freedom of the workforce and not continue to be strapped down in a system that did not allow individuals to blossom. It was a system that confined people, in many cases, to failure.

We said we were going to let the States innovate. We were going to let the States work to help people more instead of having this one-size-fits-all system. It has been a brilliant success in welfare reform. Welfare rolls are down 50 percent. People are working and receiving a check in the mail, and they are happy about it; they are in charge of their future rather than thanking the Federal Government for a small subsistence payment to mire them in poverty all of their lives.

It was innovation, it was opportunities, it was local decisionmaking, and it has been wildly successful. We want to replicate that model in education—local decisionmaking, innovation, individual opportunities, and I think this is going to be wildly successful if we are given the opportunity from our colleagues on the other side of the aisle in the Democratic Party to allow us to move forward with this model of education reform.

I hope we do not get hung up as we did last week on the marriage tax penalty saying, to pass marriage tax penalty, we want to deal with germane amendments, and then we were stopped by a number of nongermane amendments on topics that were not relevant at all to the marriage tax penalty. It appears we are starting down the same track.

We want to do something significant in education reform. We can do it. We have the time, we have the floor, and we have the opportunity. Or are we going to be stopped by things that simply do not pertain to education at all?

The Democratic Party is going to have to decide whether we move forward with an education bill or this is just another chance to block major legislation and complain about a Congress that does not do anything when there are those on their side of the aisle who seek to stop us from doing anything.

In a vision of the future, I imagine a future in which a human being actually steps onto another planet in our solar system, and I imagine that the coming generations will look forward and say: We do not fear cancer as a major threat to health. In fact, the odds may be pretty good we both have a pretty accurate vision of opportunities in the future.

Indeed, at this point in our Nation's history, in the wee hours of a new millennium, we have tremendous potential to accomplish things that until now have been unimaginable—eliminating cancer as a major health risk in the country or going to other planets.

However, for the future to become how we envision it today, our Nation's children must receive a first-class education. Over the next couple of weeks, we will have a chance to address our visions for the future in providing that first-rate education for our children.

When I say visions for education, I use the plural for a reason. When Senators from both sides of the aisle close their eyes and envision the future of American education, they often see very different results. One vision about which we have heard quite a bit in the past few weeks is the vision of the status quo. Some want to move into the new century using the old model which spends education funds through specific categories that the Department of Education sees fit. They will continue to hold school districts accountable primarily for filling out their paperwork correctly and on time.

In one sense, this model is very successful. This model has been successful at creating programs. Currently, ESEA is comprised of over 60 different programs, each one specifically tailored to address a problem or problems with public education that Washington perceives. With 46 million students in approximately 87,000 public schools, it is pretty impressive that we can figure out their needs so well from here—one place.

The status quo model has also been extremely successful at holding States, school districts, and schools accountable for filling out paperwork. While the Government provides only 7 percent of local school funding, it demands 50 percent of all school paperwork. Those are pretty bad odds. In fact, some State education agencies devote 45 percent of their staff to administering the funds they receive from the Federal Government. Quite wasteful.

This paperwork burden demands 49 million hours each year, or the equivalent of 25,000 employees working full time on paper rather than kids. Indeed, fewer than 50 percent of the personnel employed by public schools are teachers today.

Unfortunately, with all of its success over the past 30 years, the status quo model has been a failure in one very important aspect, and that is student performance. Many of the status quo programs have been specifically targeted toward low-income students. Yet in the fourth grade, 77 percent of the children in urban high-poverty schools are below basic on the National Assessment of Educational Progress test.

Problems with student performance are not confined to urban districts. These problems have touched the lives of literally millions of Americans. Since 1983, over 10 million students have reached the 12th grade without having learned to read. Over 20 million have reached their senior year unable to do basic math.

The bill before us has in it a different vision for American education. This new vision is the vision of innovation versus the vision of status quo. Under this model of innovation, instead of relying on Washington to assess the problems facing 46 million students, we rely on the parents, teachers, and principals who know the children's names. Instead of counting on the bureaucrats at the Department of Education to figure out the needs of 87,000 public schools, we leave it up to the school board members and State education officials who can tell you about the neighborhood where the school is located.

Under this model, we count on these people to identify the problems facing our students and schools and to be innovative in finding a solution to fix these problems.

This model has already started to work in places such as my State of Kansas. Over the past 3 years in Kansas, we have seen Federal education funds increase by over $21 million. However, when one talks to the people who deal with the Federal education funds, they want to talk about the success of consolidated planning, which Kansas implemented under an Ed-Flex waiver.

Consolidated planning was a modest step which helped eliminate some unnecessary bureaucracy and helped the State use Federal funds more efficiently. More than that, it gave Kansans a taste of what can be accomplished with a little innovation. I want to give Kansas and the rest of the Nation more room, an incentive to be innovative. That is why I support the bill before us today.

Under the leadership of the Senator from Vermont and other colleagues such as Senator GREGG, our committee was able to produce a piece of legislation that takes very important steps toward the innovator model, the first being the Straight A's proposal about which several of my colleagues have already spoken.

In conclusion, we have had a taste of this in education, and it has worked. We like the taste of it, and we like what it produces. We experienced it in welfare reform, and we have seen enormous success.

Let's move forward with this innovation. Let's allow this opportunity to blossom so our kids not only can envision but fulfill the dreams of going to other planets and of curing cancer, but they need a quality education to fulfill those dreams. I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Missouri.

Mr. BOND. Mr. President, I have been listening with a great deal of interest as my colleagues on both sides of the aisle have expressed their views on education. I particularly commend my neighbor and colleague from Kansas and my good friend from Idaho for their very perceptive comments about education.

As I listen to the debate back and forth, it is clear we have two very different approaches to education being championed. On the one side, we have trust of local schools; on the other side, we have mistrust.

On one side, we advocate local control; on the other side, they advocate Federal control.

On our side, we say that parents, schools, teachers, and school boards know best. On the other side, they say Washington knows best.

For me it is not a tough choice. This is not rocket science: trust, local control, parents, schools know best. There is no question in my mind.

I come to the Senate floor today to say—and I have said it before and I will say it again—I spent my adult career working with parents, teachers, and school boards in Missouri. I have watched them work. I have watched their education decisions. I spent the last 13 years in this body watching Congress debate issues and watching the Federal bureaucracy administer programs.

When it comes to wasting money, it is not even close. It is not a contest. It is a good thing that local schools do not operate as does the Federal Government because local schools could not afford to. Luckily, schools are far better at applying resources to the needs of children in their schools. Unfortunately, the Federal bureaucracy has been good at creating waste, misdirected priorities, red tape, and unnecessary hassles and regulations.

As it is the case in other areas as well, our congressional zest to provide assistance has become part of the problem—our good intentions. And they are good intentions. Nobody questions the intentions. When the Congress went about creating 765 programs, every single one of them was a good idea. Unfortunately, it was at the wrong place. It was a good idea in Washington, not a good idea at the local school level.

Our good intentions have become burdensome regulations, unfunded mandates, mounds of paperwork, and unwanted meddling. We have created a system where parents, teachers, and local school officials have less and less control over what happens in the classroom.

Instead of empowering parents, teachers, and local school officials, we have empowered the Federal Government and the bureaucrats. We have been slowly eroding the opportunity for creativity and innovation on the local level and have put a system in place where the Olympians on the hill pretend to know what is best for the peasants in the valley.

We need to be bold enough to stand up and admit that these good intentions have gone astray. Our good intentions are failing our public schools and, most importantly, they are failing our children. Let's recognize what we do not know in Washington has become obvious. Washington does not always know best, especially when it comes to micromanaging the education of children in local schools throughout this country.

What is wrong with giving control of education to local schools and to the States? What happened to everyone saying that education is a national priority but a local responsibility? I firmly believe that is true. If that were true, and the other side trusted those at the local level, this debate would not be as controversial as it is.

What is wrong with letting classroom teachers, principals, and school boards fashion plans to improve learning and achievement in their own schools?

Back in my home State of Missouri, no one thinks the answer to improving public education lies within the Halls of Congress or in the granite buildings in downtown Washington's Department of Education.

Almost everyone I have talked to will say: Stay out of the way and give the local schools the opportunity.

Missourians know, and I know, that the real solutions—the laboratories—are the local schools when they are given the opportunity to excel and not have to play the ''Mother, May I'' game with Washington, DC.

My colleagues on the other side of the aisle keep talking about class size, afterschool programs, and numerous other programs. These will be new programs, with new mandates, and new responsibilities for schools directly controlled and regulated by Washington, smothered with reports and regulations and redtape. Is this the direction we want to go? I do not think so. This will only exacerbate the ''Mother, May I'' game.

As we debate ESEA today, I hope we will keep certain things in perspective. One of those things is how much money the Federal Government actually provides to the local school district and what amount of Federal involvement is appropriate with the amount of funding provided.

I have heard over and over again that the Federal Government provides less than 10 percent of a local school district's budget. Yet the Federal Government accounts for over 50 percent of the local school district's paperwork burden. How can any of us justify this proportion of Federal meddling and paperwork burden for less than 10 percent of the district's funding? In my State of Missouri, on average, Federal funding accounts for only 6 percent of the local school district's budget.

My great State of Missouri has some wonderful teachers, principals, superintendents, and school board members—some of the best in the country. I cannot believe my colleagues are not

hearing the same thing from their constituents that I am hearing from mine. If you are not, I suggest you are not listening. Go back and ask them. They will tell you. However, just in case you have not heard, let me share some of the things I have been told.

The Superintendent of Springfield Public Schools in Missouri said:

> The amount of paperwork that the federal government causes local school districts to engage in is often overwhelming. That extra effort and time often reduces productive classroom time and energy that could better be spent working directly with children.

Mr. Berrey of the Wentzville R–IV School in Missouri said:

> Limiting federal intrusion into decisions best left to local communities is what I believe our founding fathers had in mind.

From Neosho R–5, in Missouri:

> The individuals working most closely with the students are indeed the ones who can best decide how this money can be spent for the benefit of students' education.

From the Superintendent of the Special School District of St. Louis County, MO:

> As head of a school district specializing in special education, I fully understand how my district's financial needs differ from other school districts' needs. In order to best utilize the limited funds that are at my disposal, I need maximum flexibility in determining how to put those funds to the best use.

From the Board of Education President of the Blue Springs School District in Missouri:

> Without local control, the focus is taken away from the needs specific to the children in each school system.

I think the Superintendent of the Taneyville R–II School District in Missouri sums it up well:

> I feel that the State and Federal government has tied our school's hands with mandated programs and mandated uses for the monies we are receiving. The schools are likened to puppets on a string. Pull this string this way and the school does this; pull it another way and the school does that. School systems and communities are as different from one another as individual people are different. What works for one will not work for another.

These are the types of comments I have heard over the past couple years. These comments led to the development of my Direct Check for Education proposal that is S. 52.

As introduced, S. 52 took six Department of Education programs, primarily competitive grant programs, and combined them and determined that the funding would go out based on average daily attendance in school districts. It would give school districts added flexibility.

I intend to offer an amendment that would allow us to try this as a demonstration program.

I know it is hard sometimes to get Governors to support this concept. But I stand here as a recovering Governor. I know that Governors and States have the responsibility for welfare programs, State transportation programs; but the responsibility for directly delivering student education rests in the hands of those at the local level.

Let's give them the opportunity to demonstrate they can deliver. States can still establish standards and requirements. They still have the ability to control their local school districts. What I am saying, with Direct Check, is to keep their hands out of the bureaucratic maze that the Federal Government imposes on them. I hope my colleagues will take a look at that proposal when I offer it.

Another area I am looking at very carefully is having an amendment on Impact Aid. Impact Aid is one of the oldest Federal education programs, dating from the 1950s, and is meant to compensate local school districts for the ''substantial and continuing financial burdens'' resulting from Federal activities. These ''activities'' include Federal ownership of land, such as military installations or Indian reservation lands, as well as local school enrollment of children whose parents work on Federal property. It is a Federal responsibility.

In my State, we have two outstanding military bases: Fort Leonard Wood and Whiteman Air Force Base. I would argue it is a quality-of-life issue for our military and one we must address. I look forward to working on it with my colleagues. I believe the Senator from Oklahoma will be working on it.

I also offer my support, in advance, for an amendment I have been working on for some time with Senators STEVENS and JEFFORDS, along with a number of our other colleagues, that focuses on early childhood education and development.

While most of the debate this week will be about elementary and secondary education—the years of what we might call ''formal schooling''—the education and mental development of a child, however, begins long before that child enters kindergarten. In fact, the education and development of a child begins practically at birth. From the experiences we have had in Missouri with parents and teachers, we know that those first 3 years are vitally important. Giving the parents the right tools to help that child get started can make a tremendously important difference in the educational achievement of that child throughout that child's educational experience.

The amendment the Senators from Vermont and Alaska will offer recognizes these basic facts; that the education and mental development and entire development of a child begins early in life. Through this amendment, we hope to support families with the youngest children to find the early childhood educational programs that can help those families and parents provide the supportive, stimulating environment we all know their children need.

The 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 at the local level. I invite anybody to come to Missouri to see how well these programs work.

I am pleased to say the amendment is based on the basic ideas and principles set forth in legislation that I was pleased to introduce several years ago with my good friend and colleague from Massachusetts, Senator KERRY.

Mr. President, it is my opinion that if we want to improve our public education system to educate our children for a lifetime of achievement, we must take the stranglehold of the Federal Government off the local school districts and the States and give the resources directly to those local school districts and States so they can do their job.

I look forward to supporting an amendment by my colleague from Missouri, Senator ASHCROFT, which deals with some of the very serious problems that the current IDEA imposes. Talk to any school official, any schoolteacher, any school personnel in Missouri, and they will tell you they are scared because the requirements of IDEA put other students, teachers, and school personnel at risk from dangerously violent students who sometimes carry guns and are sheltered by the Federal regulations that come with the individual education program. We should not have a Federal Government program that puts people associated with schools at risk. We need to change the laws to protect and nurture those with IEPs but not to expose those with whom they deal to violence and perhaps even to guns.

In closing, we must empower parents, teachers, school administrators, and school boards because education decisions can best be made by educators, board members, parents, teachers, and local school officials who know the names and the needs of the children in their schools. I hope we will be spending our time debating education, not every issue under the Sun that may come up as an effort to derail this vitally important reform of our education system.

Our children deserve the reform this bill delivers. This ESEA bill deals with one of the most important national priorities, and that is education. It deals with it by moving the control and the responsibility out of Washington and back into the real world where the best decisions can be made. I look forward to working with my colleagues.

I thank the floor manager, the chairman of the committee, for allowing me the extra time. I look forward to continuing the debate and working with colleagues on both sides of the aisle to achieve successful ESEA reform, with perhaps some of the bells and whistles added that I have mentioned.

Mr. JEFFORDS. Mr. President, what is the order of business?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. JEFFORDS. When does morning business terminate?

The PRESIDING OFFICER. Morning business terminates at 11:15.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EDUCATIONAL OPPORTUNITIES ACT—Resumed

The PRESIDING OFFICER. The clerk will report S. 2.

The legislative clerk read as follows:

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

Mr. JEFFORDS. Mr. President, I ask unanimous consent the order of amendments to S. 2 be modified to show Senator MURRAY's class size amendment is the fourth amendment in lieu of Senator KENNEDY's teacher quality amendment.

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

Mr. JEFFORDS. I yield to the Senator from Washington.

Mr. GORTON. I believe under the previous order it is now in order for me to offer an amendment.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3110

(Purpose: To strengthen the Academic Achievement for All Demonstration Act (Straight A's Act)

Mr. GORTON. I send an amendment to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. GREGG, Mr. LOTT, and Mr. COVERDELL, proposes an amendment numbered 3110.

Mr. GORTON. Mr. President, 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 630, strike lines 24 and 25.

On page 653, strike lines 12 through 22.

On page 654, between lines 16 and 17, insert the following:

''(12) ACHIEVEMENT GAP REDUCTIONS.—An assurance that the State will reduce by 10 percent over the 5-year term of the performance agreement, the difference between the highest and lowest performing groups of students described in section 6803(d)(5)(C) that meet the State's proficient and advanced level of performance.

''(13) SERVING DISADVANTAGED SCHOOLS AND SCHOOL DISTRICTS.—An assurance that the State will use funds made available under this part to serve disadvantaged schools and school districts.

On page 656, beginning with line 22, strike all through page 657, line 5, and insert the following:

''(9) Section 1502.

''(10) Any other provision of this Act that is not in effect on the date of enactment of the Educational Opportunities Act under which the Secretary provides grants to States on the basis of a formula.

''(11) Section 310 of the Department of Education Appropriations Act, 2000.

On page 657, line 6, strike ''(11)'' and insert ''(12)''.

On page 657, line 9, strike ''(12)'' and insert ''(13)''.

On page 657, line 21, insert ''that are consistent with part A of title X and'' after ''purposes''.

On page 665, strike lines 16 through 18, and insert the following:

''To the extent that the provisions of this part are inconsistent with part A of title X, part A of title X shall be construed as superseding such provisions.

On page 846, line 15, strike ''and''.

On page 846, between lines 15 and 16, insert the following:

''(E) part H of title VI; and

On page 846, line 16, strike ''(E)'' and insert ''(F)''.

Mr. GORTON. Mr. President, we are now launched into that portion of this vital debate on education when amendments will be proposed, debated, and voted upon. Under the order, there will be first a Republican amendment; second, an amendment for a Democratic alternative; the third, another Republican amendment; and fourth, the Murray amendment that was just outlined by the Senator from Vermont.

I hope, and I think the leadership hopes, we will vote on the first two amendments before the end of business today, but that certainly is not guaranteed. At the present time, there is no time agreement.

Mr. KENNEDY. Will the Senator yield?

Mr. GORTON. I yield.

Mr. KENNEDY. I appreciate what the Senator said. I think we can move more rapidly if we exchange the amendments. We have just received the Gorton amendment and we want to be responsive in a timely way. We would be glad to try to stay two amendments ahead so those who have the responsibility to inform their colleagues, as well as to speak on these issues on the floor, have an opportunity to be prepared to address those questions.

I hope, out of a spirit of comity, we could try to do that. It is generally done in areas of important policy. There is no reason not to. We know what these matters are. I indicated to the chairman of the committee 2 days ago what our amendments were going to be, and they are the ones we offered in committee. There are no surprises. I hope we could at least try to do that as a way of moving this process forward.

This is related not only to the Senator from Washington. We know he has spoken to other groups that he intended to offer an amendment, but we will try to work with the floor managers to exchange these amendments so we can move it forward in a way that will benefit all Members.

Mr. JEFFORDS. Mr. President, I will do all I can to make sure the Senator has appropriate notice.

Mr. KENNEDY. We will provide to the leader our first amendment, as I indicated, the Democratic alternative, and then the Murray amendment. I will be glad to give the particulars to the floor manager.

Mr. JEFFORDS. Thank you.

Mr. GORTON. Mr. President, I think the suggestion of the Senator from Massachusetts is an excellent one. As I say, I hope we will debate for the balance of the day on the amendment I have just submitted and on the Democratic alternative. I, for one, will have no objection during the course of the day if the Democratic amendment is before the body more or less contemporaneously with my own. They can be debated at the same time. Whether we will be able to finish today and vote on both of them is uncertain. I think it is the hope of the leadership we can do so. The idea that the next two amendments that are already enshrined in the unanimous consent agreement should be exchanged today so each side can see them for debate tomorrow, in my view, is an excellent idea.

The subject of my amendment is one of the important and dramatic changes proposed in the bill reported by the Health, Education, Labor, and Pensions Committee. It is an amendment to the Straight A's portion of that bill. I will discuss Straight A's a little bit more in detail as we go forward today, but, fundamentally, Straight A's in the form in which it is found in this bill is a 15–State experiment available to 15 of the 50 States, pursuant to which roughly a dozen of the present categorical education programs—including, most notably, title I—would be combined and consolidated without the great bulk of the rules and regulations literally amounting to hundreds of pages and the forms and bureaucracy that accompany those rules and regulations.

There would, however, be one overwhelming requirement substituted for the procedural rules that accompany the present programs that are included in Straight A's. Those procedural rules have literally nothing to do with student achievement. They have to do with eligibility. They have to do with the nature in which the money coming through those programs is spent. They, of course, have as their goal student achievement. But most notably, the 35 years of title I have not been marked by any significant reduction in the difference between partially privileged student achievement and those of the underprivileged students, at which title I is aimed.

This amendment is slightly more than a technical amendment, but it

certainly does not change the philosophy of Straight A's. It has a more binding requirement; that the 15 States which take advantage of Straight A's actually reduce the achievement gap between high- and low-performing students by a minimum of 10 percent over the 5 years of the contract under which Straight A's is offered to those 15 States.

S. 2, this bill, already includes a very considerable carrot that gives a bonus to States that close that gap by 25 percent during the course of the agreement. That is a new, novel, and vital part of Straight A's. However, in order to see to it that the States which take advantage of Straight A's actually reduce that gap, a more modest but still significant reduction is simply required as a condition of continuing to be eligible for Straight A's.

Second, there has been some criticism that elements in this bill could be construed to be vouchers. That is not the case, in my view. It was not the intention of the draftsman of Straight A's or of the bill as a whole, but a portion of the amendment that is before the Senate now creates exactly the situation that exists under present law, where the use of Federal funds for vouchers is not explicitly provided for or disallowed but is essentially dependent upon the interpretation of current law by the Department of Education.

A third change in this amendment requires that districts and States that use Straight A's provide an assurance that Federal funds will be used to certain disadvantaged districts and schools. I do not think that differs from Straight A's, as it was originally drafted, but it makes that requirement more explicit.

Finally, it sets up a list of eligible programs in Straight A's and in another part of this bill, performance partnership agreements, as being identical, as matching. They were meant to match. There were a couple of technical differences in the bill as reported. This corrects that disparity. But the purpose of the amendment, in addition to those minor changes, is to focus the attention of this body on that portion of S. 2 that deals with Straight A's.

I have spoken on a number of occasions on that subject. I would like to do so now once again. I should like to say, to reuse an analogy I used in my remarks last night, we are, as is the case with every group that proposes a dramatic change, threatened with all kinds of disastrous consequences if somehow or another we change the status quo. That is not a property exclusively belonging to members of one party or to the other. But it does seem to me that what we are proposing in S. 2 taken as a whole, with Straight A's as a major portion, is the most significant redirection of Federal education policy since the advent of title I itself some 35 years ago.

Every addition to Federal education policy since then, with the modest exception of Ed-Flex, has increased the control and the influence of the Department of Education here in Washington, DC, over the education policies of 17,000 school districts in the 50 States across the United States. Every frustration at a lack of success—and there have been many such lacks and many such frustrations—has been marked by a Federal statute that increases the control and the authority the Federal Government has imposed over education policy. If 100 pages of rules is not working as we desired it, maybe 200 pages of rules would work better.

At least unconsciously, if not consciously, that has been the direction in which the Congress and many Presidents have led Federal education policy over the course of the last 35 years, to the point at which we have a huge disparity between the modest 7 percent or 8 percent of the money spent on public education in this country that is appropriated by Congress and the blizzard of rules and regulations governing the spending of that 7 percent or 8 percent, a set of rules which has a huge impact on the way the other 93 percent that is supplied by States and local communities themselves is spent.

This is an attempt to reverse that direction, to show far more trust in parents, who obviously are concerned about their children's education, and trust in the men and women who dedicate their careers to that education—their principals, their teachers, their school superintendents, and those civic-minded citizens who expose themselves to the same kind of assaults in the political world as we do as Senators. But in 99 percent of all cases as they run for membership on school boards, they do so without compensation and close to home.

We believe firmly that these people, the people who, by and large, know our children's names and our grandchildren's names, are better suited to make many of the decisions about the quality of education and the direction of education those children receive than is the Congress of the United States or are the bureaucrats in the U.S. Department of Education. That is the goal of Straight A's, to restore some of that authority on an experimental basis to States and to school districts in 15 of the States of the United States.

As I said earlier, it is regarded by a number of Members of this body with absolute horror that we should think of doing so. We are given a series of nightmares about what might happen if we allow parents and these professional educators to make decisions they have continuously been deprived of the authority to make over the years.

The analogy to which I referred was welfare reform. The Presiding Officer can remember that debate only a few years ago. We were told if we took this tremendous step in a very different direction, a different direction after 50 years or more of a welfare system that was also more and more encrusted with rules and regulations and assumptions about what people would do under certain circumstances, we would devastate the social fabric of the United States. After a debate that encompassed several years, with a number of vetoes, we did in fact dramatically reform our welfare system, and we have had a dramatic success in doing so, with only a few bitter enemies critical of the direction of that welfare reform.

I know of no other issue during my time in this body comparable to that change and to that debate until we got to this debate. We are now at the point at which we found ourselves, maybe 1 year into the debate on welfare reform, here with education reform. Our view is that if more decisions are made closer to our students' lives by people who know those students, the quality of their education will improve and we will have a greater opportunity to help the great mass of students in the United States, our young people, with the complicated challenges of the 21st century.

However we do not leave it at that. We do not simply say: We think you can do a better job, so here is the money. Go out and do it. We tell the 15 States that will be privileged to exercise the Straight A's option: You have to perform. We are not going to give you a whole bunch of rules and regulations about how you fill out forms and how you assure that money is spent on a narrow category of programs; we are simply going to tell you that you have to do better. You are going to have to come up with a way of measuring achievement in your State—as most States have, at this point. You are going to have to tell the U.S. Department of Education that if you are allowed into Straight A's, in the 5-year period of your contract the achievement of your students will improve by a specific amount that you outline in this contract. And if you fail, you are going to lose that ability, that authority to spend the money as you see fit for your priorities, for your children, for your States and in your communities.

That is the ultimate in accountability. When we deal only with process accountability—how well do you abide by the rules, how well do you fill out the forms—we do nothing in particular for our children and for their education. We hope the results will be good, but there is no measurement of the actual quality of their education as reflected in the way in which they deal with standardized tests in each one of these States. We have an accountability, not to process but to performance. I want to repeat that. Our accountability is not to process but to performance. In order to succeed, in order to continue in the Straight A's Program, you are going to have to show that you are providing a higher quality of education to the students in the school systems in your State.

As I introduced this bill more than a year ago, it was not limited to 15

States, either in the House or in the Senate. I suppose it is a commentary on the dramatic nature of the change, that it has been reduced to a significant demonstration program in this bill. The House of Representatives allows it in 10 States. We, in this bill, allow it in 15 States. I would much prefer every State have that option, but only 15 are going to be able to do so. At the same time, I want to point out a very important fact, not just about Straight A's but about all of the innovative directions in this bill. The Performance Partnership Act, the Teachers' Empowerment Act, other provisions of the bill—none of them is mandatory; they are all elective.

It is important for everyone in this body to recognize—it is important for all the people to recognize—that we are not requiring these changes. Any State in the United States of America that believes the present system of categorical aid programs and the present system that has 127 at-risk and delinquent youth programs in 15 Federal agencies and Departments, 86 teacher training programs in 9 Federal agencies and Departments, and more than 90 early childhood programs in 11 Federal agencies and Departments, not to mention the programs that are included in Straight A's, any State that wishes to continue under that system is free to do so—any State. If they like the present system, if they are accustomed to the present system, they can continue to perform under it.

If this bill passes and becomes law, in a relatively short period of time in our history, 5 years at the maximum, we will know which system works best. We will know whether or not allowing our educators a far greater degree of freedom to set their own priorities is, in fact, the way to do it. We will be able to measure objectively, by the forms of accountability they are required to follow in order to get into Straight A's, whether or not it works.

I may go beyond that proposition to say, of course, Straight A's is not the only element in this bill that allows our local educators in our States to make more of the decisions that affect their children. There is a Performance Partnership Act in this bill that is a modification of Straight A's, supported by the National Governors' Association, an association through which many of the dramatic reforms in education over the last few years that are allowed by the Federal Government have, in fact, taken place.

That Performance Partnership Act does not have all of the flexibility Straight A's has, but it has a significant portion of it. All States under this bill will be allowed to take that more modest step toward making their own decisions than is available in Straight A's, which is only to 15 States.

Again, no State will be required to do so. What does that mean? That means there are at least three paths States can follow in this connection: 15 States can take Straight A's, a number of other States can take the Performance Partnership Act, and a number of other States—and I am sure there will be some—will decide not to choose either of those alternatives.

Again, not only will our students learn more, we will learn more about the best way or perhaps more than one successful way toward our goal, a goal we all share, and that is a better education for our children.

The same thing is true for the Teacher Empowerment Act. The same thing is true with title I flexibility that is included in this bill. These are elective with the States and sometimes with the school districts themselves.

How is it we can be so certain that the present system is so good that we do not want anyone to use a different system? Have we been so overwhelmingly successful that we do not need to have this debate at all; that all we need to do is just reratify for another 5 years what we have been doing for the last 5 years? I do not think anyone believes that; everyone believes we can do better. But can't we at the very least allow people to do better in a different direction rather than simply saying, we have a whole bunch of programs now; all we need is more rules for the existing programs and a few new ones, added on to the dozens and hundreds we have at the present time that affect the education of our children from prekindergarten to and through the 12th grade?

Straight A's gives us the ability in some of the States to determine the accuracy of the statement that our parents, our teachers, our principals, our superintendents, and our school board members care deeply about the education of the kids admitted to their charge or in their families; that they are smart enough to make fundamental decisions about the course of that education; that we want an alternate way of reducing the gap between underprivileged children and those in more successful schools; that we have not been overwhelmingly successful—at all successful—in reducing that gap in the last 35 years, and that perhaps another way is better and at the very least we ought to compare it with the current way in which we do business.

We will hear during the course of this debate: No, we just need to do more of the same; if we can just do more of the same; it is just that we have not done enough of what we have been doing in the past; and no, we cannot allow some States to go off in a different direction from others; no, we cannot repose that degree of confidence in the people in our school districts all across the country; we dare not do it; this threatens to have this adverse consequence or that adverse consequence or a third adverse consequence.

I only ask my colleagues to reflect on the fact that this debate will be, for all practical purposes, identical to that debate over welfare reform of a few years ago, and if we had taken counsel of our fears then, this country would be far worse off than it is today, when instead of taking counsel of our fears, we took counsel of our hopes and worked rationally toward those goals.

The attitudes that gave us welfare reform ought to give us this bill, including Straight A's, during the course of this debate and provide a better future for children all across the United States.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wish to, if I may, ask my friend and colleague from Washington a question. If I understand this correctly, there are two essential provisions that he includes here. One is, in the 15-State block grant, the Senator prohibits the use of funds for vouchers to private schools; is this correct?

Mr. GORTON. Yes. I said I believe it did already, but this makes it more explicit. It simply keeps the present rules with respect to vouchers in effect.

Mr. KENNEDY. As the Senator knows, there are different provisions in the 50-State block grant than in the 15-State block grant. During the exchange in our committee, the principal proponent, Senator GREGG—and I am sure he will speak to it—indicated that he did not dismiss the use of those funds for private school vouchers.

Is the Senator from Washington saying—many of us have been critical of the overall program and the use of vouchers, that this is a block grant and voucher program—with this amendment, there would be the elimination of the language in the 15-State block grant that would have permitted the voucher program for private schools?

Mr. GORTON. Mr. President, that is not what I say. I do not believe it allowed it previously, but in any event, I think we have satisfied that criticism with respect to those who made it with respect to Straight A's. I do not think it allowed vouchers before. It clearly does not now.

Mr. KENNEDY. I appreciate the Senator's response. I hope the Senator will stay with me because usually when the proponent of a particular measure, such as Senator GREGG, says that it does and then another Senator says he reads the language that it does not—generally speaking, the members of our committee believed that it did, whether we agree with it or not, for the very significant reasons that the Senator from New Hampshire pointed out—so we want to understand now, once and for all, whether you believe it did or did not before.

Your understanding is that it eliminates the use of vouchers for the private school partnerships as part of your amendment?

Mr. GORTON. The amendment we have proposed essentially restates current law, where the use of Federal funds for vouchers is neither expressly provided for nor disallowed but intended upon the interpretation of current law by the Department of Education.

Mr. KENNEDY. Whatever the exchange is that we are having here between the Senator from Washington and myself—I know he is reluctant to somehow say now this is the effect of the amendment. It certainly is my understanding, and I think the other members of our committee would agree, that when it was proposed, very clearly—you can go back into the RECORD and see—this was the intent of the Senator from New Hampshire.

I may stand corrected by the one who put that in, that it was to be an allowable use of these funds to be used under the block grant program. They were going to consolidate the programs and then turn the funds over to the States, and then some would go down into the local communities. But one of the purposes that would have been legitimized for the first time was a voucher program for private schools.

On our side, we support the use of title I funds in terms of public school choice. But this was a departure from that. That is exactly the way we read it.

Under the Senator's amendment, the option of private school vouchers will not be there.

Secondly, in the 15-State demonstration block grant, you add a provision. Could the Senator tell me what the effect of the language for the 15-State block grant is, on line 5, on the ''Achievement Gap Reductions''? What does the Senator intend to achieve by that language?

Mr. GORTON. The language is designed to require that there be a reduction of 10 percent over the 5-year period between the highest and the lowest performing students described in an earlier part of the act, which is basically title I.

Mr. KENNEDY. I am trying to understand. Exactly of what would the 10 percent reduction be? What is the Senator trying to drive at? As I understand it, the Senator is trying to deal with the provisions of the legislation that relates to accountability.

We have the overall State accountability. Then we have the 15-State block grant. The 15-State block grant is going to come under overall State accountability. The provisions of the overall legislation will apply.

Could the Senator please clarify? We can probably move to an early acceptance of the Senator's amendment, but I just want to understand exactly what it does and what it does not do. I have difficulty in seeing exactly what this really means in terms of the total accountability.

Does this change the overall State requirements that are spelled out on page 662, the ''Failure To Meet Terms.—If at the end of the 5-year term of the performance agreement a State has not substantially met the performance goals . . .''? Does this in any way change that?

Mr. GORTON. It makes it tougher.

Mr. KENNEDY. Can the Senator tell me exactly what are the penalties that will be included in here if they do not achieve that?

Mr. GORTON. The penalties will be the same as they are in the original form of the bill; that is to say, if a State does not meet the commitments it made in getting into this 15-State Straight A's Program, it runs the risk, at the discretion of the Department of Education, of losing the ability to continue in that program. It would revert to the present system of categorical aid programs and the accountability provisions contained therein.

What this does is add another mandatory requirement to what the State undertakes, a 10-percent reduction in this differential. So it makes it somewhat tougher for the State to be entitled to continue in Straight A's after its initial 5-year period.

Mr. KENNEDY. The reason I ask this is, I say to the Senator, he is not in any way changing the ''Failure To Meet Terms'' that a State must meet. As I understand it, the Senator is amending a different section, and that is the 15-State block grant.

What we find out further, on page 662, is, ''If a State has made no progress toward achieving,'' there will be certain reductions of funds. But that is when there is ''no progress.'' On page 662 it is: ''substantial progress''. I do not see how your 10-percent over the 5-year period of the performance agreements really does very much.

Mr. GORTON. I say to the Senator, given the fact that in 35 years of title I we have not reduced it at all, a requirement to reduce it by 10 percent in 5 years is rather substantial.

Mr. KENNEDY. If the Senator would explain to me where—this is the controlling law. It states very clearly, on page 662, what the test is going to be. It talks about ''agreement a State has not substantially met the performance. . . .'' There is no definition of what ''substantially met the performance'' is. That has not changed by the Senator's addition. The penalty described on page 662 only applies when there is ''no progress.''

I fail to see how that does very much in terms of accountability. It does not stop at the end of 2 years.

Does the Senator's program have the requirement of a reduction of funds administratively at the end of 3 years, as the Democratic program does? It does not. Does it have a further reduction after 4 years? No, it does not. Does it have requirements that the State has to intervene; and that, if not, there could be the closing of a particular school if it does not achieve those kinds of reductions? It does not. The Democratic program does.

It is basically feel-good language.

I would recommend, if it is going to make the Senator from Washington feel good—and evidently is going to make others on that side feel good—that we are not going to be able to use vouchers for private schools, we have been maintaining that block grants are blank checks for States. We have talked about, this Republican proposal is going to provide vouchers for private schools, and we have been told: Oh, no, that isn't so. We have some of our Republican friends saying: Oh, no, that was not even intended for part of it. We had the proponent of the amendment saying that was so. Now the Senator from Washington wants to eliminate that. Well, I certainly would urge our colleagues to support that.

Mr. GORTON. I thank the Senator.

Mr. KENNEDY. I see some colleagues here who might want to address this issue. The way I see it is that this language, as the Senator has pointed out, would effectively reduce the block grant.

I would say, just out of comity, since this language was prepared by the Senator from New Hampshire, could the Senator indicate to me whether he is supporting this program—just out of comity, since it is directly related to his language?

Mr. GORTON. I am not sure what the question is.

Mr. KENNEDY. The question is, since this is the amendment of the Senator from New Hampshire, has the Senator inquired if the Senator from New Hampshire supports him?

Mr. GORTON. The Senator from New Hampshire joins me.

Mr. KENNEDY. He joins you. That is interesting. He gave me a different interpretation. I appreciate that.

Mr. President, I think it is basically very weak language.

On page 662 of the legislation, in relation to the States, it does not have any penalty. And, furthermore, you have to wait 5 years to find out whether there is going to be any progress made.

I think families in this country want progress now. They want accountability now. They want guarantees now. Under our bill, that process of accountability begins in the second year, third year, fourth year, fifth year; and it builds in terms of accountability, in terms of the requirements of the States to help those particular communities, which is not being done today.

Does the Senate understand that it is not being done today? We have the most recent surveys done by the Department of Education that polls underserved title I communities. According to the surveys, more than half of the Title I communities have said that when they have asked the States to help them, they have gotten virtually no response whatsoever. This is very weak accountability. I will be glad to recommend that we move ahead and accept this amendment and then get to the Democratic alternative so that the Members of the Senate and the American people will understand and be able to compare and contrast the accountability provisions because this is still woefully inadequate and woefully weak.

Mrs. MURRAY. Will the Senator yield for a question?

Mr. KENNEDY. Yes, I am glad to yield.

Mrs. MURRAY. The Senator from Massachusetts and I both sit on the Labor Committee, which went through the entire progress of this issue. I came to the floor and was trying to understand what the amendment actually accomplishes. Does the Senator recall that during the committee hearing we asked the author of the amendment specifically if funds could be used for private schools, and his response to us was yes?

Mr. KENNEDY. Yes, that is absolutely my recollection of it.

Mrs. MURRAY. And that the portability for title I could also be used for private schools.

Mr. KENNEDY. The Senator is correct. If the Senator will permit, does the Senator's language affect the portability provisions?

Mr. GORTON. It affects only the Straight A's title of this bill at this point.

Mr. KENNEDY. That's fine. He has indicated we could not use vouchers for private schools. Now we are asking, ''Are you going to be able to use funds for private school vouchers under the portability provision?'' Under the portability provision, there is every indication that you could use funds for private schools and religious schools as well. I am trying to understand whether we are addressing both of these concerns or just part of them.

Mr. GORTON. That question would be more properly directed to the Senator from New Hampshire who, I may say, I think disagrees with the Senator from Massachusetts as to his interpretation of the provisions of the Senator from New Hampshire. This provision, the 10 percent, applies to the Straight A's provision of the bill which, in turn, allows 15 States to have that degree of flexibility. It is very easy to talk about accountability from the point of view of punishing States and school districts by taking money away from them so that will increase, somehow or another, their performance. Part of our bill, in my view, is that the States who succeed will get a bonus, which is not included in the Democratic bill or in any previous education bill.

Mrs. MURRAY. If the Senator will yield further, does the Senator understand, as I do, that this amendment would not apply to title I portability? And we, again, asked the author of this amendment in committee if the title I portability funds could be used for private education institutions, and his answer was yes. This amendment doesn't fix that. I am glad it fixes the first part of it, but it doesn't—and the Senator can respond—fix the portability.

Mr. KENNEDY. I appreciate the Senator's attention to this matter because it shows something enormously interesting that is happening here. On one hand, this amendment addresses the issue of voucher programs for private schools under the 15–State block grant program. On the other, it doesn't affect private school vouchers that are permissible under the title I portability program. It seems to me that if you are going to fix it in one program, you ought to fix it in both.

If you look at the portability provisions on page 127, it states:

> . . . an eligible child, for which a per pupil amount shall be used for supplemental education services for the eligible child that are (A) subject to subparagraph (B)—

And this deals with the portability provisions—

> provided by the school directly or through the provisions of supplemental education services with any governmental or nongovernmental agency, school, postsecondary educational institution, or other entity, including a private organization or business

So you are striking one section, but leaving the other section. Well, that will have to remain there until we address that in our alternative. I, for one, want to move ahead in the debate on this, and I would be glad to urge acceptance of this amendment.

Mrs. MURRAY. If the Senator will yield for one other point, because I have continually heard that with title I funds, for over 35 years kids have not increased their abilities, and test scores don't show that, it is my understanding that we test title I students, or analyze their performances, and as kids do better, they move out of the program. So each year, we have new kids coming into the program who need the extra services for reading, writing, and basic instruction. So we are not testing the same kids year after year. When we hear the comments that student achievement has not increased under title I, we essentially haven't been testing the same group of students, and we cannot show that because they have moved out and we are testing new kids. Am I correct?

Mr. KENNEDY. The Senator is entirely correct. It is one of those important facts that one has to understand in order to be able to respond to those who say, look, there hasn't been any change for 2 or 3 years. We can demonstrate there has been academic progress made in terms of classes in a number of areas.

Mrs. MURRAY. I thank the Senator from Massachusetts. I don't think any of us disagree with the goal of reducing by 10 percent over 5 years the term of performance agreements—the difference between the highest and lowest achieving students. But I think to rhetorically say that we can do it through a test is very difficult. I think we all want students to achieve better. Here on the Democratic side, we believe that by providing high-quality teachers and class sizes that are reduced, where a teacher has time to teach math and English, where we are in classrooms and where students can actually learn and they are not there in overcoats because there is no heating, or there are holes in the roof, and that we continue to put Federal resources into programs that have been shown to work those achievement gaps will decrease. I hope our colleagues understand this as we move forward. I thank the Senator from Massachusetts for yielding.

Mr. KENNEDY. Mr. President, we are prepared to accept the amendment.

Mr. GORTON. Mr. President, I am going to ask for a rollcall vote on my amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mr. GORTON. There are Members on our side who wish to speak to that amendment, I hope, with the consent of the manager of the bill because we are debating education as a whole. We would be happy to allow the Senator from Massachusetts to propose the Democratic alternative now, and we can debate them jointly for the balance of the time in the time available. Any time the Senator from Massachusetts wishes to introduce an amendment, there will be no objection on this side to allowing that.

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

Mr. GREGG. Mr. President, there have been a number of representations that have been inaccurate from the other side, and I regret that. I think that maybe they are concerned that the substance of this bill works so well, they have to mischaracterize the actual process in order to attack it. The representation that there are voucher proposals in this bill is inaccurate. The senior Senator from Washington has offered an amendment which would make this absolutely clear. He put the status of the Straight A's proposal in this bill in the same position as the present law under the ESEA of 1965, which law does not limit the ability to use the funds for public entities. So that law, as viewed, is a chilling event on school systems from using it for private entities which would create the voucher issue.

The amendment of the senior Senator from Washington clarifies that point, which was a point raised in committee and which was the language reported out of committee. If a State such as Florida has a private voucher system—I guess the issue now is whether they have one or not—those funds can be used in this manner. But as a practical matter, what the Senator from Washington is making clear is that they can't—that they will be subject to the chilling event that presently exists for any title I money. That chilling event has basically made it virtually impossible for vouchers to be used by any State. This was the concern of the Senator from Maine.

That is why I have agreed wholeheartedly with the amendment of the Senator from Washington, as I believe we should not allow the bogeyman vouchers—it has been used as a bogeyman by the other side—to be used to try to undermine what is a really good idea, which is the concept of Straight A's.

The basic theme of Straight A's doesn't need vouchers in order to work

well, and we don't have to get in the voucher debate in order for Straight A's to work well. I am perfectly happy to have the voucher issue taken off the table. I don't think it was really on the table to begin with because I don't think many States have a system to make it available. But even if it was on the table, the Senator from Washington is taking it off the table.

I heard about this attempt this morning from a number of people on a couple of talk shows. Representatives of the educational lobby are here in Washington in full charge against any idea of changing the status quo because they basically are the beneficiaries of the status quo. They are also trying to use the term ''vouchers'' to stigmatize this piece of legislation, which I suppose is the defense of folks who really can't defend their positions in opposition to this language on substance.

The fact is that Straight A's, as put forward, is an optional program. It is up to each State whether they want to pursue it.

If a State pursues Straight A's, the achievement obligations in the area of increasing the educational success of our low-income children is very strict. Straight A's is an attempt to give low-income children a better education and to require that better education actually be proved to have occurred, something that has not happened under title I over the last 35 years after $130 billion has been spent.

Also, one of the Senators came out and said it is also about portability. There is no voucher program for portability. Portability is not a voucher program. All the money under portability stays with the public school systems. The public school systems write the check. The public school systems control the dollars.

This is once again a bogeyman attempt to try to mischaracterize the bill and, as a result of using mischaracterization, to try to, therefore, tune up opposition to it.

I think we ought to stick to the substance of the actual language versus those types of presentations which I don't think are constructive to the debate.

I yield to the Senator from Georgia.

Mr. COVERDELL. Just a clarification: I thought I distinctly understood the Senator from Washington comment that it was represented in committee that portability was indeed a voucher.

Mr. GREGG. No. Under no circumstance was portability ever represented as a voucher, or ever represented as a voucher in committee. What I said was Straight A's could have been used by a State to qualify that it had set up a voucher program such as Florida had. Yes, in those instances Straight A's could have been used. The Senator from Washington was making it very clear that is not going to happen.

Mr. COVERDELL. I thank the Senator.

Mr. GREGG. I yield to the Senator from Maine for a question.

The PRESIDING OFFICER. Will the Senators suspend for a second.

The Senator from New Hampshire has the floor. Does he yield for a question?

Mr. GREGG. Yes. I yield to the Senator from Maine for a question.

Ms. COLLINS. Thank you, Mr. President. I thank the Senator for yielding for a question.

I thank the Senator from New Hampshire and the Senator from Washington State for their terrific, truly extraordinary leadership on this entire bill.

As the Senator from New Hampshire knows, the issue of whether or not Straight A's authorizes Federal funds for private school vouchers was most important to me. I have worked with him and with the Senator from Washington. Indeed, I am the author of the provisions in the Gorton amendment which makes it crystal clear that Federal funds could not be used for vouchers under the Straight A's proposal.

Will the Senator from New Hampshire agree with me that while there is nothing in this legislation that prohibits a State from using also its own funds for some sort of voucher proposal, that the Gorton amendment now makes clear that Federal funds under the Straight A's proposal could not be used for private school vouchers?

Mr. GREGG. It makes that as clear as it is under present law relative to other title I moneys.

Ms. COLLINS. I thank the Senator from New Hampshire for his clarification on this.

Mr. GREGG. I yield the floor.

Ms. COLLINS. I ask to be a cosponsor of the Gorton amendment. I am pleased to have contributed to it in this area in clarifying the law since I think it was ambiguous as to whether we were changing current law, and that ambiguity has now been eliminated.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we can talk about this all we like, but I draw attention—and I congratulate the Senator from Maine—to the additional views of Senator COLLINS, which say, I am opposed to using Federal funds for private school vouchers. I believe the language about academic achievement for all programs must be modified to prevent having diversion of Federal funds to private schools.

That is exactly our position.

The Senator from Washington can deny that is his understanding, and the Senator from New Hampshire said this isn't really a voucher debate. It isn't just on our side, it is on their side too.

I am glad the position of the Senator from Maine has prevailed on this issue.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I congratulate the Senator from Maine also for working on this issue.

My amendment, I think, fixes one problem with which many of us were concerned. However, regarding the title I portability funds in the bill, I am reading the language of the bill on page 127. It says:

> Subparagraph (b): Provided by the schools directly or through the provision of supplemental education services with any governmental or nongovernmental agency, school, post-secondary educational institution, or other entity, including a private organization or business.

The language in the bill allows title I portability funds to go to a public or private school.

In committee, we asked if it could go to a private school. We didn't use the word ''vouchers.'' We said: Could this portability money go to a private school? The answer is yes. That is what the language does. The amendment before us fixes the Straight A's question, but it does not fix title I portability.

Mr. GREGG. If the Senator will yield for a question, is the Senator aware that under title I, if a public school wishes to contract with a private entity, such as a Sylvan Learning Center, it can do that?

Mrs. MURRAY. Yes. But the school is in control of those funds.

Mr. GREGG. Is the Senator aware that under this proposal the dollars will still flow through the public school if it goes to a Sylvan Learning Center?

Mrs. MURRAY. Under title I portability provisions that are in the bill before us, it will allow families to take the title I funds they receive to any institution, school, or private—I just read all of it. They can choose.

Mr. GREGG. No. The Senator is incorrect in her characterization. The family does not have possession of the funds. The funds go to the public school. The public school, at the request of the family, may then and should then take the money and use it to support that child in an additional learning activity. In other words, the child has to go to the public school. The child cannot go to a private school under portability and use funds for the purpose of going to a private school. The child must attend the public school. If they decide to do so under the plan as presented to the Secretary of Education, under their portability plan as designed by the public school system, the public school may use those dollars as it does today for the purpose of giving additional support to the low-income child in assisted learning.

Mrs. MURRAY. I reclaim my time.

Mr. GREGG. If the Senator doesn't want me to clarify the point.

Mrs. MURRAY. The Senator from New Hampshire has made a statement and I am looking at the language of the bill. It says.

> (B) if directed by the parent of an eligible child, provided by the school or local educational agency through a school-based program . . . that a parent directs that the services be provided through a tutorial assistance provided.

It is not directed by the school but directed by the parent.

I think that is one of the underlying flaws and concerns we have. As a

former school board member, I do not know how a school district is going to manage this when parents come to the school indicating they have the right to this money, and you figure, as a school, how you do your accounting, how you determine whether that child actually gets the money, how you hire teachers. And, frankly, the parent is in control. It is very clear in the language of this bill.

The Senator from New Hampshire made a very specific case that he thought it was the school. If the language reflected that, I would believe it. But the language says very clearly that the parent can take their title I money and take it to another school. We interpret that, and everyone else will, as private or public because it is not defined as public.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I regret the Senator will not yield to debate this issue in a forum-like manner. Let me answer the question on my own time because I guess the Senator isn't making her point because she recognizes her point is inaccurate.

If the language is as they stated, the school has the control over the dollars. The parent has the right to direct the school to pursue an assisted learning activity. But the child is in the public school and the public school controls the dollars for that assisted learning activity.

The only difference between the present law and what this does relative to that assisted learning activity, in this case the parent gets involved. Under present law, the parent is not involved in the assisted learning activity. If they want to bring in the Sylvan Learning Center or any tutorial service to help the low-income child, they can do that, but the parent does not have the right to say do it or not do it. Under this proposal, the parent has the right to say, yes, please send my child to an assisted learning facility.

The school, however, has the right to say they don't think that an assisted learning activity qualifies as being a quality educational activity and is applicable to this child's needs. If the school overrules it because they say that the assisted learning activity is not a qualified activity, then the parent can't direct the funds to go in that area.

Essentially, what we are proposing is a system which already exists in Arizona—in fact, I think Seattle may have some form of this system—where parents actually get involved in the process of educating low-income kids. Parents actually have something to say about it.

We all know from history and from study after study after study that pertinent for improving the quality of education of the child is parental involvement. We also know that the single biggest problem we have with low-income children is the fact that parents are not involved. This is an opportunity to draw the parent into the process and have the parent have a role in the process. That is very important.

Equally important, this is an opportunity to make sure the dollars actually benefit the low-income child. Under the present law, there are lots of low-income children who don't get any benefit from the title I dollars, which are low-income dollars theoretically. Why is that? Because if a school does not have a threshold number of children, does not have the 35 percent, or in some States it is up to 65 percent of the kids in the school who qualify as low income, in other words, kids who meet the School Lunch Program, then no dollars go to that school.

If you are a low-income child attending a school where you don't have 35 percent of the other kids in the school as low-income children, you don't get any title I assistance. Does that make any sense? Of course, it doesn't make any sense.

We are saying, instead of having the dollars go to the school systems and to the administration and to the bureaucracy, let's have the dollars follow the child. Let's have the dollars actually follow the child to different public schools so every child who is a low-income child actually gets funded, actually gets dollars benefiting that child.

That is a pretty good idea because that means we are actually going to point the dollars at the kids who we allegedly are trying to help, the low-income kids. The dollars never leave the public school system in the sense that all dollars must go to the public school. In other words, the parent does not have the control over those dollars. He doesn't get a check.

If John Jones goes to public school A, the dollars go to public school A. If the parent says they don't think public school A is doing the best job for their child, and then moves John Jones to public school B, the dollars go to public school B. When John Jones gets to public school B, if the parent says they think John Jones needs some assisted learning outside of his schoolday—remember, his whole schoolday is dominated by the public school system and he cannot go to a private school with these dollars—then the dollars go to the assisted learning to the extent it is required in order to pay for that assisted learning subject to the public school system, and subject to the public school system saying that the assisted learning is actually something that is qualified and will do the job as they deem it appropriate, recognizing that under present law we already allow this to occur. We allow assisted learning which is a private activity.

To characterize this as a voucher is an inexcusable attempt to try to stigmatize this with a term that is being used for the purposes of creating an irrational response from folks, especially teachers and the educational community. It is simply hyperbole for the purposes of trying to beat this for political reasons. It is not a substantive or an accurate response to what this proposal involves.

Remember, this proposal—whether it is portability or whether it is the Senator from Washington's Straight A's proposal—is an option. No State has to pursue this. No community has to use this. If they decide to pursue this, if the State decides it wants to use portability, it is the educational community in that State that has come together, that has thought about the issue, that has said: Title I isn't working in its presents form; let's try a portability initiative.

It will be the educators who write the portability initiative in the State and who apply for it. They will have the say in how it is structured. They don't have to do it if they don't want to do it.

If the State of New Hampshire decides they like the way they are doing title I, they don't care about trying this new idea of portability or this Straight A's idea, they can walk away from the proposal. They don't have to do it. They can keep the law the way it is.

Why is there such fear on the other side of the aisle of putting on the table a bunch of different options, having a cafeteria line that States and communities can go through? I don't understand it. They have been stratified, iced into the status quo, petrified into the status quo to the point they are not willing to adjust in any way or give the States any opportunity for adjustment. It is regrettable. It is regrettable because it means we basically, as we know for 35 years, are locking our low-income kids into generation after generation of failure. We know for a fact our low-income kids simply have not achieved. We ought to try some other ideas. We ought to let our States try some other ideas.

There are a lot of States out there that want to try other ideas, and we should not lock them out of that opportunity with Federal dollars.

I yield the floor.

The PRESIDING OFFICER. The distinguished minority leader.

Mr. DASCHLE. Mr. President, I have not had the opportunity to participate in this debate over the last couple of days. This is the first chance I have had. I would like to make a statement, and at the end of my statement I will be introducing the Democratic substitute which, under the agreed-upon order, will be the second amendment to be considered during the debate on this legislation.

I think, as everyone has already noted, this is an important debate for a lot of reasons. The Elementary and Secondary Education Act is truly the blueprint that guides all Federal education policy from prekindergarten through high school. So this is the big one. This is the one that really counts when it comes to the Federal policy framework under which we will work for the next 6 years. Every 5 or 6 years,

Congress has the responsibility to do what we are doing now, to decide what is working, to fix what is not.

In the past, this debate on ESEA has always been vigorous, but it has always been bipartisan. In the end, the votes have always been bipartisan. Unfortunately, that is not the way things have shaped up so far this year.

Two months ago, Republican leaders in the Senate stunned us by announcing that they were abandoning efforts to develop the bipartisan approach we have used now for 35 years. Instead, they put forward legislation so sharply partisan that even the Republican chair voted ''present'' on two major Republican amendments in committee.

The truth is, this bill does not redefine the Federal role in education, it abandons it. It essentially repeals the role of the Federal Government in education. Instead of targeting Federal education dollars where they can do the most good, the bill takes money from Federal education programs and puts it in block grants. All the Federal Government would do is sign blank checks. Governors and State legislators would decide how the money is spent. Block grants eliminate any guarantee the funds will be spent where they are most needed or on reforms that are most effective.

Our Republican colleagues claim to hold States accountable for the results. They require states to have a plan in this legislation, but in that plan the State sets their own performance goals and the goals be based on State averages. If children from well-off families made all the gains, that would be good enough. This bill does nothing to make sure the children in disadvantaged communities have access to good teachers and strong academic programs.

If States fail to achieve their goals, nothing happens for 5 years. After 5 years, the only penalty for failure to comply is that a State cannot participate in the block grant program for the next year.

It is also ironic that they are claiming to ''do something new.'' What new suggestion they are proposing is to take the block grant idea that goes all the way back, at least to 1981, to repeat it again now in the year 2000. That is their new idea. They take an idea that was proposed and passed in 1981, to convert several Federal education programs into a block grant, and to do now what we did then.

It is important, as my Democratic colleagues have noted, to look at what has happened to that new idea back in 1981. Since then, the funding for that new idea, funding for that blank check, that block grant, has been cut in half, largely because it is difficult to advocate for a blank check.

Republicans have made clear their highest priority is enacting huge tax cuts. Those irresponsible policies would leave absolutely no room for critical investments in education. So this cutting in half of the blank check might fit that scenario.

Perhaps we should not be so surprised at their interest in creating new education block grants. This new, revolutionary reform idea of the year 2000, similar to the one in 1981 might be the design: Let's create a block grant, let's sign a blank check, let's cut that blank check in half in 20 years, and let's provide more in tax cuts. What we need is a bipartisan commitment to maintain the national commitment to education and invest in solutions that we know work.

One of our great leaders in South Dakota history has been the Indian leader Sitting Bull. More than a century ago, he actually came to Washington and noted in a speech to policymakers at the time that if we put our minds together and see what life can make for our children, we will all be the beneficiaries.

Today, we make that same request of all of our colleagues. For the sake of our children, let's put aside these extraordinary partisan differences, put our minds together, and see what we can do for our children's future. That, in essence, is what Democrats are providing with this comprehensive plan to improve America's public schools. Our entire caucus has worked hard on this plan. I am very gratified that our entire caucus supports it.

Our plan is a substitute for the Republican block grant proposal that is now on the Senate floor. It actually includes many pieces of the bipartisan plan our Republican colleagues abandoned in March. It is not a blank check. It sets high standards for students and teachers. It gives communities the resources and tools to meet those standards. It holds them accountable for results. It targets Federal education dollars where they will do the most good.

We do this by helping communities reduce class size, by recruiting and training qualified teachers, by helping to rebuild and replace overcrowded and crumbling schools and helping close the digital divide so all children can compete in the new economy, and by strengthening parents' involvement in their children's education, through report cards and other information, so they can hold schools accountable.

It also helps create opportunities for safe before- and afterschool programs where children can receive responsible adult supervision. It is troubling to many of us that every afternoon in America, 5 million kids go home after school to empty houses while their parents sit at work and worry about their safety. Our Democratic colleagues believe we can do better than that.

Improving public education must be our top priority.

State and local governments clearly have the responsibility for funding and running our Nation's public school programs. Federal programs should be the catalyst for change. We need to focus our efforts on fundamental changes that work to make sure every child has the opportunity to learn.

We took important steps in 1994 by requiring States to set high standards for learning and to assess student performance, and we are starting already to see some results in some areas, as some of my colleagues have noted.

Student performance is rising in reading, math, and science. Why? Because we took action in 1994.

SAT scores are rising. Why? Because we took action in 1994. Why? Because the Federal Government created the incentives. Why? Because we have been the catalyst to move these programs in the right direction.

More students are taking rigorous courses and doing better in them. The percentage of students taking biology, chemistry, and physics has doubled. Why? Because we took action in 1994. Why? Because the Federal Government has been directly involved, not in decisionmaking but in incentivizing.

More students are passing AP exams. Fewer students are dropping out. Why? Because we took action.

What we are saying now is that it is time for us to continue to build on those success stories at the national level that worked then, that are working now, and that provide us with the opportunity to do even more.

There is much more to do. Not all schools and not all students are reaching their potential. The achievement gap between rich and poor, between whites and minorities, is unacceptable. Students from disadvantaged communities have significantly less access today to technology. We cannot afford to leave any child behind, and we have to do better.

Schools face many challenges that must be addressed if all students are challenged to achieve high standards. School enrollments are at record levels and continuing to rise. A large part of the teaching corps is getting ready to retire.

Diversity is increasing, bringing new languages and cultures into the classroom.

Family structures are changing. More women are in the workplace creating the need for quality afterschool and summer school activities.

We are learning how important good development in early childhood is in determining success in school.

The importance of higher education has never been greater. Our public schools need to make sure that all students are prepared to continue to learn in college or in technical training or on the job.

These are national changes, and the Federal Government, as we have been, must be a partner in addressing them.

My State of South Dakota has many small rural school districts. These schools face a particular set of challenges and limited resources to address them. Many have a hard time attracting qualified teachers, and teachers often have to teach more than one subject. Course offerings may be limited. Because students can come from long distances, many rural schools have high

high transportation costs. In many rural communities, the tax base is actually shrinking. The crisis in the farm economy is making it difficult to modernize schools and meet all of these student needs.

Federal resources are important for these schools, but they do not even get enough funding to make effective programs in the first place.

The Democratic alternative includes a provision to provide supplemental payments to qualifying rural schools that they can use to hire and train teachers, reduce class size, improve school safety, and upgrade technology.

For more than 50 years, and going all the way back prior to that period 50 years ago when the first baby boomers were born, our parents committed themselves to the most ambitious school construction program in our Nation's history. They had just fought the Second World War, and they could have said: We have sacrificed enough for a while. We fought the war; we won the war. Now it is somebody else's responsibility.

Instead, they said: We love this country; we love our children; we want them to have at least as good a life as we have had, and we are willing to work to give them that chance.

Most of us who now serve in Congress attended those schools. We have benefited greatly from the decisions and sacrifices they made. The question facing us now is pretty simple, but awfully important: Are we willing to give our own children, are we willing to give our own grandchildren, the same chance we were given? Are we willing to work with each other, with parents, teachers, and community and business leaders to strengthen our schools? Or are we going to turn our backs?

The answer to that question is going to be decided in part by the decisions we make over the next several days on the education bill and, frankly, on this amendment.

If one visits London, they will see the work of Christopher Wren everywhere. He was the 17th century architect whose work defines London's skyline today. He built 51 churches. He built palaces, hospitals, and libraries. His most famous work, of course, is St. Paul's Cathedral. If one goes to the crypt at St. Paul's and looks hard, he will see a small black stone marking the architect's final resting place. It is written in Latin. It simply says: If you seek his monument, look around.

The blueprint we are drafting today is like a cathedral. It is like a blueprint that will help shape our children's education and, thus, their future. If we do it well, it will inspire them to find the best in themselves.

The monuments we are creating are for our children, and we need to ask ourselves what will our monuments say about us and what we value.

Twelve years ago, America's Governors were able to do just that. All 50 Governors, Republicans and Democrats, agreed on eight national goals:

No. 1, all children will start school ready to learn.

No. 2, graduation rates will increase by 90 percent.

No. 3, all children will demonstrate competency in challenging subject matter.

No. 4, teachers will have access to programs to improve their professional skills.

No. 5, U.S. students will be first in the world in math and science achievement.

No. 6, every American adult will be literate.

No. 7, every school will be disciplined, safe, and drug free.

And finally, No. 8, every school will promote parental involvement and participation.

In a few weeks, the children who were in the first grade when those goals were written will graduate from high school. Children grow up quickly. Instead of abandoning our Federal commitment to education, we need to work together to build that monument so one day we, too, can say: If you want to see what this great country did on education, look around. If you want to see how good we are, go into the schools where eight goals were pronounced and now are reality. If you want to see whether or not we as Senators have succeeded and achieved our goals representing the great legacy left to us by others, look around.

Let us do this right. Let us pass good comprehensive elementary and secondary education today so that we can provide the kind of incentive, the kind of commitment, the kind of investments, the kind of direct, responsible approach that is so warranted if, indeed, we say that our children are important and our future is really what it is all about.

AMENDMENT NO. 3111

Mr. DASCHLE. Mr. President, I ask unanimous consent that the pending Gorton amendment be laid aside, and that I be permitted to call up my amendment, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 3111.

Mr. DASCHLE. 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.'')

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor today to thank our minority leader, Senator TOM DASCHLE, for the tremendous effort he has made in helping us craft the Democratic alternative to the underlying bill that we are considering today, the Elementary and Secondary Education Act. This amendment the minority leader has put forward is going to make very important corrections to the Republican bill that will help all students in this country and their schools get the help they really need.

On Monday on the Senate floor, I, along with a lot of my colleagues on this side, outlined the many ways that this Republican bill is going to hurt our students. I outlined our positive agenda that will help all students reach their potential by investing in the things we know work.

Today, I have come back to the Senate floor to support this alternative which sets the right priorities for our students. This is a positive agenda for making improvements to the role the Federal Government plays in helping our local districts provide education.

Across this country, schools are making remarkable progress, but none of us can remain satisfied with the status quo.

As Americans, we believe every child should be able to meet high standards and reach his or her full potential. This debate in this Senate is our chance—our only chance, perhaps in 6 years—to make sure every child has the tools to succeed.

As a parent, as someone who has fought for our students on the PTA, as a school board member, I have seen what works in our schools. Parents and educators have told me we need to invest in smaller class sizes. We need to invest in teacher quality. We need to help to have more parental involvement in our schools. We need to invest in safe and modern schools for all of our kids. Those are proven strategies that are transforming schools across the country. We should invest in those powerful approaches.

Unfortunately, the Republican proposal before us goes in the exact opposite direction. Instead of making a commitment to what works, and to what we know works, it experiments with things that have no record of producing results for students.

Today, surprisingly, the Federal Government only provides 7 percent of all education funding. But those dollars are very importantly targeted to help America's most vulnerable students meet their critical needs. It is a responsible, accountable way to meet the needs in America's classrooms.

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

The Republican approach puts all of its faith in block grants. I am here to tell you that students will lose out because, as I have said before, a block grant cannot teach a single child to read. A block grant cannot teach a single child the basics. But investing in teacher quality and reducing our class

sizes can help teach children the basics. That is what we should be doing in the Senate.

The Republican block grant proposal is a reckless, giant step backwards. First of all, the Republican bill is going to hurt disadvantaged students. Today, education dollars are targeted at the Federal level to America's most vulnerable students, ensuring that children who are homeless or children of migrant workers get the resources they need. They travel from school to school, from State to State; and we need to make sure, no matter what school or State they are in, they get the help they need. Under block grants, there would be no assurance that the education dollars intended for these very vulnerable students will actually go to those vulnerable students.

Educationally disadvantaged students have very few advocates. Believe me, as a former school board member, I know they do not show up at school board meetings. They do not show up in State legislatures. They certainly do not travel here to the Congress to stand up for the programs that serve their children. We have the responsibility to do that for them. By eliminating the targeting that helps poor students, block grants would simply cut the lifelines that run to disadvantaged students. We cannot let that happen.

Secondly, block grants reduce accountability. Under block grants, we do not know where our tax dollars are going. We will not know if that money is being used for critical needs. We will not know if public taxpayer dollars are staying in our public schools.

Block grants have little or no accountability for student achievement. In this bill, we let 3 to 5 years pass before any accountability kicks in. We are going to lose kids in that amount of time. The Republican bill simply is a 3-year experiment that breaks our commitment to the things we know work, and it risks having students fall behind. Under the current bill, block grants would even allow public taxpayer dollars to be used for private schools.

The amendment that was previously offered supposedly fixes that, but it does not fix the fact that, under the title I portability requirements, public tax dollars will still be able to be used in private schools.

Finally, block grants mean less money for the classroom. Pure and simple, block grants will mean less money from the Federal Government to our classrooms.

By the way, block grants are not new. They do have a history here. That history shows us, very clearly, that when a specific program is turned into a block grant, inevitably the funding will get cut.

For example, an education program that we call title VI, which funds innovative education efforts, was turned into a block grant in 1982. Guess what happened between 1982 and 1999. The funding for that program was cut in half.

The effects of putting our education budget today into a block grant would be felt in every school across this country. We would see more overcrowded classrooms with fewer resources dedicated to improving teacher quality. That will be the result of block grants.

The Republican agenda is made up of block grants and vouchers, cutting lifelines to vulnerable students, having less money for our classrooms, and less accountability for taxpayers.

There is no reason to experiment with block grants and risk leaving students behind. We know how to improve education, and we should be doing that on the Senate floor. That is why I support the Democratic alternative that is now before the Senate.

We believe we must keep our commitment to vulnerable students. We believe we should keep our schools accountable. We believe we should not let block grants shortchange students. That is why we are fighting these block grants and standing up for the strategies that make a positive difference in the classroom. That is why we are working very hard to pass this Democratic alternative.

This alternative makes a real commitment to reducing classroom overcrowding. It keeps our commitment to help local school districts hire 100,000 new teachers to reduce classroom overcrowding, an approach that we know works—parents know it works, teachers know it works. Studies are showing that reducing class size in the first, second, and third grades makes a difference in our student's ability to read, to write, and to reduce discipline problems in our classrooms. That is in the Democratic alternative.

Over the past 2 years, Congress has provided more than $2.5 billion for the specific purpose of recruiting, hiring, and training teachers to reduce class size. Unfortunately, the underlying Republican bill walks away from that commitment. The Democratic substitute will authorize the Class Size Reduction Program, and provide $1.75 billion to help districts hire new, fully qualified teachers.

In addition to keeping that commitment, this alternative will address the need for a qualified teacher in every classroom. I assure you, when they send their child off to school on the first day of school in September, every parent wants to know two things: how many kids are in their classroom, and who is their teacher?

Why do parents ask those questions? Because they know if their child is in a classroom that is small enough, where they get individual attention, and if they have the best teacher, that child is going to learn.

We want to make sure every child has a qualified teacher in their classroom. This Democratic alternative makes a move in the right direction.

The amendment will hold schools accountable for better student performance. It will expand and strengthen afterschool opportunities for students, which Senator BOXER has been so strong on, knowing that it makes a difference in the educational lives of thousands of students across this country.

We will repair and modernize America's aging schools. I can't tell you how many times I have been in a school where we have seen kids with coats on because the heat didn't work, where water was dripping through the classrooms, where they were in portables. We send first, second, and third graders out across schools to use restrooms because there isn't any running water in their building. We believe our children can learn if we pay attention to what they are learning in.

Our underlying Democratic alternative increases parental involvement. Every parent knows intuitively if they participate with their child in their school, their child will learn better. We make sure that happens in the Democratic alternative.

Finally, we work to close the digital divide. As Senator MIKULSKI so eloquently speaks about, we have to make sure every child is on the right side of the digital divide. This Democratic alternative makes that happen.

I urge my colleagues to support this alternative. Clearly, the Republican proposal before us will leave students behind. By passing this amendment, we will show parents, teachers, and students across the country that we understand the challenges they face, and that we are going to be good partners at the Federal level to make sure all of our kids, no matter who they are or from where they come, will have the opportunity to reach their full potential.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I rise in opposition to the Democratic alternative because I believe it inadequately addresses the issues and the things which we feel so strongly about—flexibility, innovation, and creativity at the local level; strong accountability; a child-centered education program, focusing on the child, not the system in Washington DC; flexibility, accountability, high standards, and, again, child-centeredness.

We have an opportunity, over the course of the next several days, to continue to build on themes that we debated, I believe, very effectively, last year on the Education Flexibility Partnership Act—Ed-Flex, as it came to be known. Ed-Flex was a bill that was signed by the President, which stresses flexibility, accountability, local control, and stripping away the Washington redtape. Over the last several days, we have heard statistics quoted again and again about how we are doing better in education today and citing new programs that have been introduced and new money spent in the

traditional old ways, to explain that we are doing better.

I think it is absolutely critical that we in this body and people around the United States recognize we are not doing better. American 12th graders rank 19th out of 21 industrialized countries in mathematics achievement. In science, my own field—remember, math and science serve so much as the foundation of what is going to occur in our economy, in job creation and global competitiveness, as we work to the future. In science, we are not 1st, or 5th, or 10th, or 15th in the world; we are 16th out of 21 nations. If you look at physics or advanced physics, we are dead last when we compare ourselves to other nations.

If we look at 12th graders, those people you would think were best positioned to enter the world of this new economy, since 1983 over 10 million Americans reached the 12th grade without having learned to read at a basic level. Over 20 million have reached their senior year unable to do basic math. We have heard that in the fourth grade—although we have made slight improvements—77 percent of children in urban, high-poverty schools are reading below the basic level on the National Assessment of Educational Progress.

So as we hear the debate unfold, basically saying that progress is being made, this is the foundation, these are the facts, and this is where we are today: Little or no progress has been made. If you look longitudinally at how we are doing in various fields in the last 30 years, when you compare us internationally, that flat curve of not doing better has to be compared to the fact that other countries around the world, competitors, other members of the global economy, are doing much better. That lack of achievement, that lack of accountability, that lack of progress is really what we are debating today. For whom? For our children. For that next generation.

I mentioned Ed-Flex. The purpose of Ed-Flex was basically to begin that process, that debate, of getting rid of the Washington redtape. We heard again that the Federal programs account for about 50 percent of the bureaucratic redtape that our teachers at the local levels, back in all of our local communities, suffer under each day. They want to teach, and they want to have that individual child become better educated. Yet in another Federal program, we have another set of regulations and we layer more and more redtape on their activities each day.

It is time for us to cut the redtape and remove these overly prescriptive—yes, well intentioned—programs that we see in the Democratic alternative just presented. It is well intended, but there are more programs, more of the same, cutting out that opportunity to capture an educational reform movement that is going on around the country today. If we look at what our schools and principals and teachers want to do, the opportunity we have today in the underlying bill is to promote that innovation, that creativity, to take off those handcuffs, and capture that innovation of educational reform.

The bill that was just laid down—the Democratic alternative—is simply more of the same: more programs which cut out and reject the innovation and creativity which has the opportunity of accomplishing what the real goal must be, which is to take care of that individual child in a way that he becomes better educated.

Flexibility, combined with accountability, has to be our objective. The end result of the debate on education modernization, I call it, absolutely must and should be innovation—rewarding what works, and what doesn't work, putting it aside. That is captured in the underlying bill.

I had the opportunity on the Budget Committee—I serve on the Health, Education, Labor and Pensions Committee from which this bill has been debated and has emerged. I have had the opportunity also to serve on the Budget Committee, where we had a task force on education. For 6 to 8 months, we had a whole range of hearings and witnesses, both Democrats and Republicans, who came forward with a pretty uniform, simple, well-understood message after about the third or fourth witness, and that is that we have today in education, Federal education programs, almost a spider web of duplicative programs, oftentimes conflicting, each with their own bureaucracies, all trying to do something good, but resulting in this sprawling—like a spider web, behemoth, and it is hard to decipher what the incentives are to do better.

There has been no streamlining, no coordination over all these programs, which have been layered one on top of the other over the last 30 years. We have heard it again and again. This sort of spider web of responsibilities and conflicting programs—some people say there are 280 programs; some say there are 750 programs. The point is, there are a lot of programs, all aimed at that individual child, resulting in inefficiencies and waste and loss of focus on student achievement that is so apparent.

The sad part about that is, it ultimately gets translated into punishing our children today instead of helping our children today. There is a lack of educational progress, resulting in the international data I mentioned. Once again, instead of truly developing the full potential of the individual students, thousands, tens of thousands, are not being well educated in our schools today.

We filed a report based on our task force, and the No. 1 recommendation—because we heard so much again and again about the redtape, the burdensome regulations, tying hands of the individual teachers—the No. 1 recommendation out of the Budget Committee Task Force on Education was:

> In light of the continuing proliferation of Federal categorical programs, the task force recommends that Federal education programs be consolidated. This effort should include reorganization at the Federal level and block grants for the States. The task force particularly favors providing States flexibility to consolidate all Federal funds into an integrated State strategic plan to achieve national educational objectives for which the State would be held accountable.

That is the No. 1 recommendation that came from this Senate Budget Committee Task Force on Education.

This need for consolidation really could not be more clear. We had this backdrop of stagnant student performance, in spite of different statistics and studies that have been brought forward and purport to show minimal progress. We have to come to the general agreement that student performance has been stagnant—because it has been stagnant. In spite of that, we find not what you would think would be a very streamlined focus to the Federal effort, but a sprawling, unfocused effort that really is driven by a lack of the question, What works?

Let's support what works, and what doesn't work. Let's no longer feed, as we have done over the last 20 or 30 years and would continue in this Democratic alternative bill, things that do not work. The Democratic alternative unfortunately feeds, yes, some good things that work but also continues this institutionalization of things that do not work.

Our bill, we have heard, contains a very important demonstration project called Straight A's. It is a demonstration program. Earlier, Senator GREGG, again, drove home a very important point on the floor, within the last hour, that we are not in this demonstration program and in our underlying bill forcing anybody to do anything; that they have a choice. If a local school district or a State is unsatisfied with this duplicative Federal effort and the categorical programs that have redtape tied to them, under our bill they can, if they want to but don't have to, continue with the same programs. But they have other options.

In Straight A's, we give schools in school districts the flexibility if they want it. I can tell you that many of them want it based on the hearings we have had in our committee, or based on the budget task force. Their goal is to increase achievement. If they say it can be best achieved in a local community in Nashville, TN, or Alamo, TN, or Soddy-Daisy, TN, requiring them to make decisions and giving them the flexibility to accomplish that achievement to educate the children, then they, for the first time, will have choice under our bill. But under the Democratic alternative they will not have that flexibility to innovate and to create.

Under our bill, States don't have to, but they may elect to partner with the Federal Government to consolidate those elementary and secondary education funding sources. A State may

choose to remain just where they are today under our bill in the categorical program, but they will have a choice for the first time.

Under the Straight A's demonstration project, States that participate could choose to spend that Federal money in the way that is best for them. The contrast will be the Democratic approach that says: No, we in Washington, DC, can best judge what works best. In Soddy-Daisy, TN, at the school that is serving the hundreds of kids in Soddy-Daisy, basically Republicans say no; that the school should be able to make the choice on how to use those funds. Why? Because, in Soddy-Daisy, they might need textbooks and not another teacher, for example. They have already reduced class size, per se. They may need to hook up that computer to the T–1 line, to the fiber-optic cable, that comes a block away so they can take advantage of that access. Or they may need an afterschool program. They are the ones—not us in Washington, DC, and not those of us in this Chamber—who are in the best position to make those decisions.

State and local school districts, I mentioned earlier, are attempting to be innovative today. They recognize that things are not working. I think it is, without question, based on the data we have listened to as we go back to our districts and in our various hearings, that it is the local school districts and the States that are the real engines for change, that recognize the needs, and are responding to those needs with innovative programs. They are yelling and crying out to take away these regulatory handcuffs and this excessive regulatory burden and redtape that strangles them and keeps that innovation from bursting forth.

It is teachers, it is parents, it is principals, and it is local communities who are demonstrating on a daily basis their enthusiasm and desire calling for this choice and increased flexibility.

Although the Federal Government—both the Congress and the President—is prepared to assist in improving America's schools, I think it is for all of us to remember that there are limitations. We have heard it on this floor. There are limitations in terms of the Federal role in education. In Tennessee, funding for education in our local schools is about 9-percent Federal funding and 91-percent local, community, and State.

There are not Federal teachers. There are not Federal classrooms. There are not Federal principals. Virtually all learning in America is occurring in classrooms and in homes outside of the purview of the Federal Government. But the Federal Government, tied to that 9 percent in Tennessee or 7 percent nationally, has this excessive regulatory burden which strips resources out of our local communities.

The Federal Government clearly plays an important role. Since we are failing so miserably, I argue, nationally, and thus, we are failing internationally in this increasingly global world, I believe the Federal Government must provide the leadership to identify the problems of education in K through 12 in this country as one that is clearly worthy of the collected energy and the attention of all Americans.

Yes, incremental resources both at the local and the national level are likely to be required and to be increased over time. But it is absolutely essential, along with the resources we provide today, that we give the States and the local communities the freedom to pursue their own strategies for implementation in how to identify the needs and thoughts of local communities.

State strategic plans are something that we, as a Federal Government, should support. It is allowed under our bill. It is encouraged under our bill. In fact, under such a plan the States would establish concrete, specific educational goals.

As we address this whole issue of accountability of what they do in return for this flexibility, they would also establish at the State level or at the local level very specific standards for accountability, and timetables for achievement. In return, they would be allowed to pool the Federal funds from all of the categorical programs that we built here in Washington, DC, and spend those consolidated resources in States on locally established priorities. Accountability is absolutely critical. Traditionally, accountability in the Federal perspective has been very much on quantitative measures rather than qualitative ones.

We talk about how many students are being served by title I. Everybody knows by now that title I is the Federal program with $8 billion aimed at disadvantaged students. But we have not asked how well those students are doing. Again, is it child-centered? That is so important in the underlying bill. Is it child-centered and focused on how well that student is doing? How much is that student learning? How much is that achievement gap narrowing? We haven't asked that question. Now is the time. The underlying bill links that flexibility to accountability and to asking those fundamental questions.

The issue of partisanship comes forward again and again. Although both sides of the aisle say, yes, education is important, and, yes, we need to do better, the partisanship is interesting because people are painting the Straight A's component as partisan.

Again, the Straight A's demonstration project, flexibility, accountability, local control, choice—not forced choice but the free choice, is a partisan measure.

During a budget education task force meeting, it was fascinating for me to hear from the Democratic officials from the Chicago school system, who said the most important thing is flexibility. They credit much of their progress in reforming the system which they adopted to the so-called block grants, the block grants which the other side is attempting to vilify. If you talk to Chicago, which is really a model in terms of flexibility and accountability, they attribute much of their success to the use of block grants that allow flexibility to rise forth to capture the innovation and the creativity that emerges once you take away these regulatory handcuffs.

The Chicago officials were clear:

> We know the system and we believe we know the things that it needs to have in order to improve. So, the more flexibility we have with Federal and State funds, the easier it is to make those changes.

The partisanship we should put aside. Effective education policy absolutely should not be bound by party lines. We can have disagreements. We will say more flexibility, more local controls, child-centeredness. The other side may say another government program is the answer. That is a legitimate debate. But let's set the partisanship aside.

The Florida Commissioner of Education said:

> We, at the State and local level, feel the crushing burden caused by too many Federal regulations, procedures and mandates. Florida spends millions of dollars every year to administer inflexible categorical Federal programs that divert precious dollars away from raising student achievement. Many of these Federal programs typify the misguided one size fits all command and control approach.

The concept of command and control clearly is one that we believe and believe strongly has not worked in the past and is something we should no longer rely upon as we march into the next century, recognizing the importance of a foundation of strong education for our children.

The Department of Education, when they testified before our task force, in many ways agreed there needs to be simplification. We have so many categorical programs. Testifying before the task force, Secretary Riley said the Department had eliminated 64 programs. Then just several weeks later, we had the General Accounting Office tell us the Department still oversees 244 programs.

Seeing the Department recognizes the importance of streamlining and consolidation leaves me a bit perplexed as to why the Department opposes the principles in our underlying bill. Under our bill, we allow choice between the current system and a more consolidated approach—not forcing consolidation, but a choice for consolidation.

If we were doing so well today, as we have heard again and again from the other side, I do wonder why they fear all the States will choose to participate in our Straight A's demonstration program, if they really think the categorical system is working so well.

I understand why the administration opposes our proposal. We do say we should not be micromanaging K-through-12 education for all of the 80,000 public schools out there out of Washington, DC. It means, for example,

if the administration has an agenda item, it would be increasingly difficult to impose that on a local community if the local community says you are wrong. That is not what is needed. That does not meet the needs we have identified based on our experience in a local community.

In the last several days, many of my colleagues on the other side of the aisle suggest that Straight A's does not have any guarantee that the money will be spent the way ''it is intended.'' We have heard it again and again. I ask that fundamental question, the way ''who'' intended it be spent? Do we really think we in the Senate with the range of issues that we deal with, with the distance of being in Washington, DC, can speak for each individual school and the individual needs identified by that local school? Or is it the local teachers and administrators and educators who have been in the education business for years. Do we really think we know better than they what schools need to be successful? Are we so arrogant and think so much of our own thoughts to believe that without our individual programs that are targeted for specific purposes, our schools would not undertake specific efforts to reduce class size, to recruit quality teachers to the classroom, or to modernize their schools?

We have heard in the last several days from Democrats who have called the Straight A's demonstration project a blank check. Anybody who has read the bill or who has studied what Straight A's is all about simply cannot call it a blank check. For the first time, we are actually requiring States to show results. This bill looks at results, student achievement. It must be documented. We are requiring States to show for the first time how they are helping disadvantaged students reduce the achievement gap.

An editorial today in the Washington Post was interesting. It decries Straight A's for removing targeting requirements on Federal dollars. The editorial says:

> It makes no sense that States somehow need the right to shift funds away from low-income schools in order to narrow the achievement gap between the lowest and highest achieving students.

Apparently, the editorial board encourages us to vote Straight A's down to protect the flow of money to the poorest schools.

It misses the point. The point is this Federal flow of money has done nothing for children in the poorest schools except to make us feel good; to say, yes, we are doing something. If you look at the objective results, we have done nothing. Report after report shows our poorest students are getting further and further behind. If you go back to our bill, you will see why we stress measurable results in reducing the achievement gap, linking it to the devotion and the investment of resources.

It requires you send the money to poor schools. In the underlying bill, S. 2, we have infused the fact that new responsibilities must be coupled with ensuring that students are actually learning, that standards are increasing, that we are doing what education is all about, and that is educating those individual students.

States must have measures in place to ensure that all children, poor and nonpoor, meet proficient levels of achievement within 10 years. What better catalyst for reform is there? What better way to ensure that poor children receive the same quality of education as their wealthier counterparts than requiring—which is what our bill does—that States demonstrate their poor children are achieving?

School districts should be allowed to use the Federal funds in the most effective way to reverse the trends I opened my comments with, trends which show us falling further and further behind as we compare our students in the 4th, 8th, and 12th grades internationally.

In the First in the World Consortium schools located outside of Chicago, administrators poured significant amounts of money into improving teacher quality through intensive professional development. The results, unlike the rest of America in the statistics which I quoted from the Third International Math and Science Study, which show we are falling behind, were just the opposite in the consortium than what we are seeing nationally. They saw improvement.

Last week, I heard from innovative State superintendents from Texas and Georgia that several of their school districts discovered that their reading teachers did not know how to teach children to read so they invested significant dollars in retraining all of them in the research-proven, the documented methods of reading instruction. This is local control, local flexibility, local identification of needs; not mandating what districts need out of Washington, DC. It is reinforced when you think some districts may want to offer programs on a district-wide scale to entice better teachers into the school system and into some of the poorest performing schools. The funds might not be sent directly to those poor schools, but the quality teachers would. Because we know a high-quality teacher is the most important determinant of a student's achievement level, that would be good. It would be a wise use of those funds. Our bill allows the use of funds in those ways.

Isn't it possible that this approach might just be more effective than simply throwing money at a poor school? Demanding that accountability while giving the flexibility to use those funds in that way?

Radical changes in flexibility and accountability, I believe, are precursors to the sort of reforms we are witnessing at the local level in selected pockets. I mentioned Chicago. Many of us have quoted the reforms that have gone on in Texas. In 1988 and 1995, the Illinois State Legislature enacted sweeping reforms. The 1988 law gave unprecedented discretion to individual Chicago schools. The 1995 law gave the mayor an unprecedented role. In addition, the State legislature in Illinois has allowed the use of block grants for much of the funding for Chicago's schools.

According to Chicago school officials:

> Most of our initiatives are locally-based, locally-funded, locally-developed by people who have been working in Chicago for many years. We know the system and we believe we know the things it needs to have happen in order to improve. So, the more flexibility we have with Federal and State funds, the easier it is for us to make those changes.

Remember, Straight A's is a demonstration project. It is not being forced on anybody. The school district, the State, can choose whether or not they want that increased flexibility or accountability. That is the beauty of the underlying Republican bill.

For the first time, Straight A's focuses on what matters most—the accountability, the achievement levels of the children who need the help the most. Under Straight A's, a State may do almost anything with the Federal money but—and the ''but'' is what you don't hear from the other side—but it has to prove it has increased the academic achievement of all of its students in the end. Poor kids, clearly, will be better served under this proposal.

Again, for the first time the object of the Straight A's Program is for States to focus on closing the achievement gap between those students who excel and those who do not, between rich and poor, between black and white; the achievement gap is to be closed.

The debate centers on flexibility, accountability, on child-centeredness, on local control. I have risen today to speak in opposition to the Democratic alternative which basically says those are not the principles, those are not the themes for the American people. The themes are another Federal program to add to the 760 programs that are out there.

The theme on the Democratic side is: We know what is best in Washington, DC. Republicans are basically saying: No, we do not know what is best. The people who know best are the people who are closest to our children, who do know their names and their faces, who are at the head of the classroom every day, teaching; those with the commitment, the teachers and the principals and the school superintendents and the parents—the parents, again, who understand, who see, whose input is so necessary as we answer that question of what works and what does not.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I rise in opposition to the amendment before us, the Democrat substitute. In that it is a total proposal, it gives us a chance to talk about the context of the total debate. I have to say I am appalled, looking at the scope of the data

over the last 30 years, that anybody could defend the status quo. It is just mind-boggling to think about it.

It does remind me of the welfare debate. I never could understand how anybody could look at that system and look at the number of people who were being damaged by it and not recognize that something had to be done to change it and we had to look to newer ideas. Not all the new ideas work, but we know the old ideas did not.

Today in America, 41 million adults are not effective readers. They have trouble with a phone book or a prescription drug label, reading a letter from a family member. That is a staggering number. I am going to get into some of these statistics, but I want to step back just for a moment to say I think everybody inherently knows education is an exceedingly important subject for all of us in the country. But from time to time, I think we need to step back and recognize that education and an educated mind are a cornerstone of American liberty.

Let's try to frame this for a moment. From our very founding, we have understood that a core component of maintaining a free society is that the population is educated. To the extent that any among us who are citizens do not have the fundamental skills, the basic education, they are truly not free. They cannot enjoy the full benefits of American citizenship because they are denied the ability to participate. They are inhibited in the ability to think for themselves, for their families, for their communities, for the Nation.

There have been a couple of assertions made here. One was made by the majority leader. The other I think was made by the Senator from Connecticut. I would like to talk about those for a minute.

The suggestion is that these deplorable statistics, that two out of every three African American students and Hispanic fourth graders can barely read, 70 percent of children in high-poverty schools score below the most basic level of reading, and on and on and on—the assertion by the Senator from Connecticut was: But the Federal Government only deals with 7 percent of the funding for schools and 93 percent comes from somewhere else so this blame cannot be directed at Federal policy.

That is a little misleading because for the 7 percent of these funds that go to the various States, about 50 percent of the bureaucratic overhead is associated with that 7 percent.

All the regulations, all the mandates, and all the forms associated with this Federal investment in education carry with them an enormous and staggering burden. There are hundreds upon hundreds of Federal employees in every State of the Union endeavoring to carry out the programs associated with the 7 percent.

Since 1994, by and large, the growth of employment in the public school system has been for administrators, not teachers. We are arguing about how to get the appropriate number of teachers, and a system-oriented program is driving up administrators. I want to make the point that one cannot simply say it is just 7 percent of the money. That is just not the case. It is 7 percent of the money, it is 50 percent of the overhead, and it is mandate after mandate. It has local systems gnarled up.

On more than one occasion, there has been an inference that the States do not have the moxie or the know-how to get in there and get this done. Frankly, it is in the States where I see the most innovation. In my State of Georgia, a Democratic Governor is turning the system upside down. Or one can go to Wisconsin or Arizona. Why are they so energized? Why are they asking us for more flexibility and more options? Because they know what we have been doing is ineffective and not getting the job done and damaging our democracy because it is putting out on the street millions of Americans who cannot function properly in our society.

The minority leader earlier said that since 1994, we have been doing a whole lot better. First of all, we were doing so badly that it did not take a lot to improve. The point is, there really is no basic improvement. The data is atrocious. In mathematics, American 12th graders ranked 19th of 21 industrialized countries and in science 16th of 21 nations. Our advanced physics students ranked last. Who would ever have thought this to be the case in the United States of America?

Since 1983, 6 million Americans dropped out of high school. In 1996, 44 percent of Hispanic immigrants aged 16 through 24 were not in school and did not hold a diploma.

In the fourth grade, 77 percent of children in urban high-poverty schools are reading below basic on the National Assessment of Educational Progress.

In 1995, nearly 30 percent of all first-time college freshmen enrolled in at least one remedial course, and 80 percent of all public 4-year universities offered remedial courses.

According to U.S. manufacturers, 40 percent of all 17-year-olds do not have the math skills and 60 percent lack the reading skills to hold down a production job at a manufacturing company.

Seventy-six percent of college professors and 63 percent of employers believe a high school diploma is no guarantee that a typical student has learned the basics.

Maybe this is one of the statistics that is thought to have improved: The dropout rate for 9th and 12th graders in 1995 was 3.9 million—rounded off, 12 percent. In 1998, this period for which we were supposed to have seen significant improvement, the dropout rate was 3.9 million or 11.8 percent, or perhaps two-tenths of 1 percent—hardly anything about which to get excited.

In grade 4, according to the National Association of Education Progress, poor students lag behind their more affluent peers by 20 percent. The results show no change—I repeat, no change—over the three assessments from 1992 to 1998. From where are we drawing any conclusions that somehow things have turned around?

In grade 8, 38 percent are below basic in mathematics; 48 percent of fourth grade students scored below basic.

In reading, there are more 12th graders scoring below the basic level; 20 percent in 1992 and 23 percent, up 1 percent, in 1998.

One has to be an eternal optimist beyond any description or definition that I can understand to think that somehow this incorrigible data we have received shows that we have a tourniquet on the problem and circumstances are improving.

Seventy percent of children in high-poverty schools scored below even the most basic level of reading.

Half of the students from urban school districts failed to graduate on time, if at all.

Forty-two percent of students in the highest poverty schools scored at or above the NAEP basic level for reading; 62 percent of students in all public schools met the standard.

We have been at this for 35 years and have spent approximately $130 billion. In virtually every category, those students who were the targets of this program are not better off.

I want to talk about that for a moment. What does ''not better off'' mean? I said 42 percent, 13 percent, 30 percent, 6 million of those, 5 million of these. What does that mean? What if it is a person we know living in one of our cities? It means, to use a figurative name, Billy Smith cannot get a job because he cannot read. He has dropped out of school. He is pushed into probably a very poor environment. The likelihood of Billy Smith going to prison is three times that of a student who stays in school. The chances Billy is going to be the father of a child born out of wedlock are in huge multiples. The average annual income is virtually poverty line or below. Pushed to crime, Billy Smith, one of these millions about whom we talk, one of these percentage points or numbers, one of these people we have turned a blind eye toward for these many years, is just likely, more than anything else, to end up in trouble, end up in prison, end up on drugs, not be a productive element of society, and probably create a family of whom he cannot take care.

That is the picture that gets repeated by these millions and millions of people about whom we talk. There are 41 million American adults who cannot read. Look at the prison population and find out their reading skills. Of course, it is not that it is nonexistent, but it is not there. Every one of these children who falls out, and through, this system is being condemned to a very unpleasant and nonproductive future in our society.

Now comes this bill that we are considering. I am not a member of the

committee. But it talks about giving local school systems options, performance agreements. It talks about more flexibility. It talks about accountability. It makes it all optional. Nobody has to do it. If everybody is real comfortable with the status quo, with the abysmal data we see every other week, they can stay right where they are. I think they will find that the constituencies—the public—are going to demand that changes start to occur, which is why so many Governors are in the middle of all of this and why they are asking for flexibility and new options.

But even the opportunity to try different concepts is repulsed by the other side: No. We can't do that. We have to set the standard right here. We have to tell every one of those Governors they are not capable of knowing exactly what we should do anyway, so we have to tell them exactly what they need to do.

This is a classic debate between those who want to go to a new place and those who want to stay in the old, between the status quo and the new, between those who have confidence in the emerging effectiveness of local governments and State governments and those who don't.

In the early 1960s, there were a number of critiques written about State governments. You would not recognize any of them today. I think for us to assert that those folks on the ground, in the community, have to be told what to do is uncharacteristic of the American way.

I think that the substitute which says, no, let's keep things the way they are—they have bells and whistles in there; but essentially it is a defense of the status quo; let's just keep on looking at this data; let's not try anything different; let's not give some flexibility to these localities and States—ought to be defeated.

I compliment the chairman of the committee, who is not here at the moment, and also Senator FRIST of Tennessee, and all the others on the committee who worked so hard to produce the underlying bill we are considering, that does move to a new day, that does offer flexibility and accountability, that does offer new options. I commend them for their work.

I hope we will defeat this substitute and move on ultimately to passage of the underlying bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will take a few moments to respond to these general comments that have been made over the period of the past few days by those who are opposed to our proposal in terms of education reform. The proposed bill basically gives a block grant, a blank check, to the Governors to make these decisions.

It is always interesting to me to hear my friends on the other side of the aisle when they say: We are interested in local control, local decisionmaking.

That isn't what this is about. This is about giving a blank check—a block grant—to the States. Read the legislation. The States are the ones that are accountable to the Secretary of Education at the end of the day, after 5 years. They get the block grant. They can go out and do whatever they want for another 5 years. Then they can come back and say, look, we have had substantial compliance in what we originally proposed. Then the Secretary is either going to say, no, you have not; or yes, you have. The idea that the Secretary is going to cut off the States on any program is preposterous—anyone who thinks that will happen has not been around for any period of time under Democratic or Republican administrations.

But let's get back to some of the facts. First of all, if we are going to provide this money, why allow this money to be taken by the States before the money gets down to the local level?

The fact is, various GAO reports indicate that school districts received anywhere from 95 to 100 percent of the federal funds appropriated. This was true in 1995, for the title I programs, the bilingual education programs, the emergency immigrant education program, the safe and drug-free schools program. Specifically, for the Goals 2000 program, 93 percent of federal funds went to the local level; for the Eisenhower program, 91 percent; for IDEA, 91 percent; for the preschool programs, 88 percent. Ninety-five percent to 100 percent of federal funds get to the local community. That is where it is happening at the present time.

So the other side of the aisle says: All right. What we need to do is to have more flexibility. The Federal Government and its mandates are denying local flexibility.

Let's look at the GAO report dated January 25, 2000: ''Elementary and Secondary Education, Flexibility Initiatives Do Not Address Districts' Key Concerns About Federal Requirements.''

Do we hear that? We specifically asked the General Accounting Office to look into local communities to find out if we are effectively restricting them in their ability to use money effectively to enhance local decisions. The GAO report, on page 9, says, that what the local communities want, No. 1, are resources, funding. No. 2, they want to have management technology and techniques and training for the local schools. And third, they want information about what is working in other communities.

That isn't only the Democrats speaking. That is what the General Accounting Office reported. Local school districts have enough flexibility at the present time.

What does the other side say? They say: We do not want to do business as usual. We just want to send the money out there.

It is interesting when we look at what the situation is at the local level. Let's look at the IG's report from March 2000. It reviewed State education agency officials in 15 States. They received complete responses back from 10 States. Of the 10 States that responded, 6 States do not permit any combining of funds whatsoever—no combining of local, State, or Federal funds; that is, 6 of the States prohibit that.

When we provide flexibility, we say, if that decision is going to be made, it has to be done there at the State level. Two States, of the 10 States reporting, allow combining of Federal funds only. One State allows combining of State and local. Only one State out of the 15 States looked at by the IG of the Department of Education permits the combining of funds at the State, Federal, and local levels.

(Mr. GREGG assumed the chair.)

Mr. KENNEDY. Mr. President, the problem isn't the Federal Government, the problem is the States. That is the contention. Let's hear the argument from the other side on that during this debate. You say those are interesting reports, Senator, but is this really the case? All you have to do is take the national assessment of title I that was done last year. In 1999, the national assessment of title I says:

> Among the schools that reported in the 1998 survey that they had been identified as in need of improvement, less than half reported that they could receive additional professional development or technical assistance as a result of being identified for improvement from the States.

Here you have communities that are trying to ask for help, and only half are receiving any. States are not responding to half of those communities. What is the other side's answer? Send more money to the States. This is the wrong answer. States didn't care prior to the time we passed the Elementary and Secondary Education Act in 1965. They didn't care about ensuring that the most disadvantaged children were served. Then we gave them federal funds from 1965 to 1970 and they still didn't take care of disadvantaged children. We have learned that lesson. And now, we want to give States blank checks. Haven't we already learned from the past? States will allocate federal funds according to what the Governor wants to look out after, and there are no guarantees that it'll be targeted to the poorest or most disadvantaged children—the States aren't using their own dollars to do this now.

If Members on the other side could say: Senator KENNEDY, let me show you where we have 25, 35 States pinpointing as a matter of State priority in education what they are trying to do for the neediest kids and they are showing results, saying give us more help, they would have a strong argument. They can't do it. They don't answer that. You won't hear that. You will hear all the cliches such as, ''What has happened in the past isn't working,'' and ''They want more of the status quo.''

Now, in contrast, let's look at what I have said is happening out there.

Needy children are the responsibility of the States. In 1986, the National Governors report said, ''It's Time For Results.'' The task force urged Governors to intervene in low-performing States and school districts and take over closed-down, academically bankrupt school districts. Let's see what happened.

In 1987, 9 States were authorized to take over—9 States out of the 50. In 1990, the NGA report on educating America outlined strategies for achieving the national education goals. The task force, cochaired by Governors Clinton and Campbell, recommended States provide rewards, sanctions, linked to school academic performance, including assistance and support for low-performing schools. Take over if those do not improve.

In 1990, eighteen States offered technical assistance or intervened in the management of low-performing schools. In 1998, NGA policy supported the State focus on schools. In 1999, 19 States complied. It will take another 50 years to get all the States to take care of poor children. Now the Republicans want to send all that money out there, with virtually no accountability, virtually none. Five years, and then unless the Secretary of Education can demonstrate that they haven't substantially complied with it, States can get another chance at it for five more years.

That is what this is all about. Are we going to just send the money out to the States, or are we going to have some real accountability? Now, let me take one area and present our side's alternative.

In regard to teacher quality, we maintain in our alternative that there are new, important, tried and tested, and demonstrably effective policies that can enhance academic achievement. As we have pointed out, these policies are: smaller class size, afterschool programs, teacher quality, accountability, technology provisions, and others. These are virtually new. The other side may say that ''they just want to do business as usual,'' but we didn't have technology 10 years ago or 30 years ago. We didn't have the documentation of the importance of small class sizes.

We assumed that all States were focused on ensuring that all classrooms were going to have certified teachers. That hasn't been the case. We stand on this side of the aisle to guarantee a well-trained and fully qualified teacher in every classroom in America after 4 years of the date of enactment of this Act. That is our side.

Let's hear what the other side has. First of all, on the issue of teacher training, recruitment and empowerment, they have the Republican Teacher Empowerment Act, which gives so much flexibility, States really don't have to do anything to change their current practices. They can continue hiring uncertified teachers, continue to provide low-quality, ineffective professional development and mentoring. In States, they could use most of the funds for a large variety of purposes that dilute the focus and attention on improving the recruitment and mentoring and professional development of teachers.

The question is, Does the underlying bill guarantee substantial funds for professional development? No. All the underlying bill says is there will be ''a portion of the funds''; it doesn't say how much will be there. Our amendment guarantees professional development. The underlying bill doesn't guarantee funds for mentoring programs. It just allows the use of funds for those programs. Our amendment absolutely guarantees mentoring.

Thirdly, the underlying bill does not guarantee funds for recruitment programs. It just allows the use of funds for recruitment programs. Ours guarantees a recruitment program and gives priority for that. Their bill does not guarantee that teachers are trained to address the needs of children with disabilities or other students with special needs. It just allows the use of funds for such training.

Our amendment guarantees that teachers will learn how to teach these children. Their bill does not hold States accountable for having a qualified teacher in every classroom. It doesn't even require teachers to be certified. If you look carefully at the Republican program, it does not really guarantee much. In contrast, we clearly spell out what our bill accomplishes.

Their bill does not require a substantial priority for math and science training.

If you go and talk to any schoolteacher, any school superintendent, anyone that is involved in educating needy children in this country, and you ask them is: Do you have enough good math and science teachers? They will say that one of their top priorities is getting good math and science teachers in high-poverty areas.

Everyone says that.

I can give the various reports of what matters most in teaching for America's future. The report of the National Commission on Teaching on America's future was made up of Republicans and Democrats alike. One of their key findings was that if you are going to do anything about teaching, make sure you do something about math and science—there is no mention of a Republican block grant program.

Finally, their bill does not require accountability. Instead, it promotes ineffective professional development activities through Teacher Opportunity Payment Programs, what they call TOPS. TOPS supports individually selected strategies that aren't necessarily proven effective practices. Effectively, it says that if you are a teacher and you want professional development, you can go out and find any program, anywhere, and it will be paid for. Having the Federal Government reimburse for this untested and untried program as matter of local control makes no sense.

Our amendment contains tough and high standards of accountability. Our amendment says if you do not make progress in student achievement, which is the bottom line, with better teachers after 3 years, you cannot continue to receive funding for this program.

There it is. We are prepared to say this is the challenge and this the way we ought to go and this is the way it ought to be tried and tested.

We are effectively guaranteeing parents in this country good, fully qualified teachers. The other side can't say that because their program doesn't justify that.

In addition, I want to look at the existing programs and the proposal that is before us. This is what I consider the ''education report card.''

They certainly get the F in terms of qualified teachers for the reasons that I have outlined.

We are talking about secure and gun-free schools and trying to make them safe.

We are talking about safe schools.

We are talking about small and orderly class sizes.

We are talking about afterschool programs.

We are talking about strong parental involvement.

And, we are talking about, most of all, accountability for better results.

This is the heart and soul of what we believe is necessary in order to enhance and strengthen the quality of education for children in this country.

These are the various areas of policy that we have to take action on. The existing bill grade is an F.

We have a program that we are prepared to debate and discuss, and to be challenged on. I hope we are going to escape the cliches and the slogans in this debate. We have heard the cliches. We have heard the slogans. We are prepared to deal with the real policy issues and the real policy questions because we believe this is a way that we can really respond to children's needs.

We need a guarantee. We don't need a blank check. We want to make sure the money is going to get to where it is needed and not go to the Governors' pet programs and pet projects in local communities in their States. That is what has been happening. That continues today.

You don't have to get a lot of reports to see what happens when we give Governors a blank check. What happened has been demonstrated in the tobacco bill. We sent money back to the States with the idea that money was going to be used for children in terms of smoking and children's health. We are finding out that it is instead being used to build sidewalks, and cut taxes.

We need to take responsibility for helping our neediest children with our scarce federal resources. The democratic alternative allows us to make a difference for children in this country.

Finally, I want to mention what has been happening in recent times. I

with great interest, my friend from Georgia talk about all the challenges we are facing. We understand that every child who goes to school in America today is facing additional complexities and problems than they were facing 2 or 3 years ago or 5 years ago. It is very challenging for a variety of different reasons that we can talk about. But the fact is that there has been some progress made. Primarily it has been made since 1994.

Let me mention the National Association of Educational Progress. Their reports show that there have been significant increases in math scores in the fourth through eighth grades, and reading and math performance among 9-year-olds in high-poverty public schools. Among the lowest achieving, the fourth graders have improved significantly. The achievement gap between blacks and Hispanics and white students has narrowed since 1982. The greatest gains in science were made by black and Hispanic students. Average SAT scores in math and verbal were higher in 1999 than the average for 1983 or 1989.

These improvements came at the same time that the proportion of test takers with native languages other than English have been increasing.

The dropout rates are lower today than in the 1970s and 1980s, and particularly lower for black youth.

In 1972, 21 percent of black youth dropped out of school.

In 1979, the rate was 13 percent. The dropout rate for Hispanics fell from 34 percent to 25 percent during that same period, and from 12 percent to 8 percent for whites.

In 1997, 89 percent of persons age 16 to 24 completed high school or attained a GED.

The number of students taking advanced courses has increased, especially those taking advanced placement courses.

No one is saying that we have this challenge solved. We are not saying that. But what we are saying is, we reject the statement made that our alternative is merely the status quo.

The programs we are talking about are dramatically different. They are innovative. They are responsive. They have a solid record of achievement. We are making some progress.

With this substitute, we believe we will be able to come back in 5 or 6 years and say we have made gains and that we made the right investment for the neediest children in America.

Finally, I want to put in a word for those children who are going to be wiped out under the Republican program—the migrant children, the immigrant children, and homeless children.

I read in the RECORD the other day the report that was given in 1987 when we were considering the McKinney Act. We asked States how many homeless children were being educated in their respective State. We had virtually no response to that particular question.

In March of 1987, the Center for Law and Education sent the questionnaire regarding State practices and policies for homeless students to the chief State school offices in the 50 States and Washington, DC, and received 23 responses. The majority of the respondents had no statewide data on the number of homeless children within their jurisdiction or whether the children were able to go to school. The majority of States had no plan for ensuring that homeless students received an education.

That was prior to the McKinney Act, prior to the time of identifying homeless children, migrant children, and immigrant children.

Now our friends on the other side are saying we don't have to deal with those populations anymore, the Governors will know best.

They didn't up until 1987. They don't today, without these kinds of program. We are going to be back here, if their program is passed, mourning the day that we have essentially abdicated our responsibility to those children in our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I ask unanimous consent, after my presentation, Senator HUTCHINSON follow me. We will rotate. Senator DODD could not stay. He will be allowed to follow Senator HUTCHINSON.

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

Mr. WELLSTONE. Mr. President, I have had a chance to come to the floor the last couple of days. My colleague from Arkansas has been on the floor, as well. We will go back and forth in this discussion. I support some of what my colleague, Senator KENNEDY, had to say about the differences between the Democrat proposal now on the floor and the Republican proposal. The differences between our alternative proposal and the Republican bill make a huge difference.

I have loved being a Senator. It is quite an honor. I don't think I will ever feel otherwise. I only mean this in the spirit of a twinkle in my eye. Honest to goodness, Washington, DC, and this Congress is the only place I have ever been where people say: Let's hear from the grass roots, the Governors are here.

Governors are not what I know to be grass roots. There could be good Governors, bad Governors, average Governors, but my colleagues have a bit of tunnel vision thinking of Governors as grass roots. Grass roots is community, neighborhood, school district level.

This is a tough point, but it is a point that needs to be made. There is a reason, going back over 30 years, that we as a Congress representing the Federal Government, representing the United States of America, have made it clear we don't just do block granting without some major accountability when it comes to the question of whether or not we are going to invest in poor children in America. That is why we have a migrant children program. That is why we have a program for homeless children. I think this legislation, S. 2, rather than representing a great step forward, and change, is a great leap backwards.

Mr. COVERDELL. Mr. President, will the Senator yield with regard to a unanimous consent about everybody's time?

Mr. WELLSTONE. That will be fine.

Mr. COVERDELL. The Senator from Arkansas has to go to a markup in about 15 minutes. His remarks will take 10 minutes.

Mr. WELLSTONE. Mr. President, I ask unanimous consent the Senator from Arkansas be able to proceed right now. I will be pleased to follow the Senator from Arkansas. I think I might get done, but I will defer to my colleague, not because I think he is right but because I think he is a good Senator.

Mr. COVERDELL. I appreciate very much the comity extended by the Senator from Minnesota.

Mr. HUTCHINSON. Mr. President, I thank my good friend from Minnesota, for his gracious comity, his willingness to afford me this opportunity on the very limited schedule. We are all fighting the schedule. I appreciate that very much.

I thank Senator COVERDELL for his continued management of this legislation.

I have spoken several times on the Educational Opportunities Act, the legislation that the HELP Committee on which I serve and Senator WELLSTONE serves has brought to the floor of the Senate. I will take a few moments to respond to the substitute proposal that has been offered by the Democrats under the leadership of Senator KENNEDY.

Senator KENNEDY stressed that what he is offering is a break from the status quo. He is trying to distance himself from this inevitable and unavoidable label that has been attached to the Democratic approach which is, in fact, the defense of the status quo. While you can run from the label of status quo and try to say no, this is not the status quo, you cannot run from your own words. It was Senator KENNEDY who said we have to stick with the tried and the tested. That is clearly an identification and defense of the existing model, the existing strategy, the existing approach we have used in this country for the last 35 years and one that has brought us to the current situation in American education and a situation that no one can, with a straight face, truly defend.

It is the status quo in the alternative, the option that has been offered. It speaks on behalf of the Washington-based establishment. It throws more money at a broken system rather than focusing upon children. The strategy is to claim the underlying bill is a blank check. It seems pretty clear this strategy is going to bounce.

This substitute amendment before us again presents more of the same programs that have been around for 35

years, a plethora of new programs to try to solve some nationally recognized problems, loads of new bureaucracy and paperwork for teachers and principals. Of the more than 60 programs that are in the substitute amendment—60 programs in the substitute amendment—there is no emphasis upon rewarding States and school districts that do well. There is no emphasis upon sanctioning or punishing those that do poorly.

The bottom line is that is more of the same. That is more of the same approach we have had where, if you fill out the forms correctly and you receive the funding and you spend it in the way that is prescribed by Washington, that is the end of so-called accountability. That is a defense of the old way. We are suggesting the real accountability is in whether kids are learning, whether the performance gap between the advantaged and disadvantaged is narrowing.

The emphasis in this substitute is on the status quo. I will quote in just a moment from an April 13 editorial that appeared in the Wall Street Journal regarding AL GORE's education agenda because I think it is reflected in this substitute.

> So what's left in the Gore teaching plan? Hire more teachers. Smaller class sizes (hire more teachers). Pay more teachers more. Sounds like a textbook definition of more of the same . . . One of Democratic liberalism's underlying, decades-old premises of using highly controlled federal funds is that Washington's moral intentions always trump those of the untrustworthy states. After 40 years this theory is fairly shopworn, but the core of the Democratic Party will never let go of it.

This substitute is clinging to the shopworn formula of the last 35 years. The idea that Washington's moral intentions trump those of the untrustworthy States is being rejected on this floor and rejected in this country. Democrats keep mentioning that we need to continue our current commitments. This amendment not only will continue to support the status quo, it will continue to add on to the piles of programs created at the Federal level and the piles of paperwork that we require school districts to fill out. That is not the way to help students.

Yesterday, Senator HARKIN, very dramatically—I was watching it—held up a four-page application for class size reduction funds. He emphasized the point that all of this stuff about paperwork from Washington was blown out of proportion, there was nothing all that burdensome, nothing that onerous being placed upon local school administrators because it was only a four-page grant application on the class size reduction from one of his districts there in Iowa.

That might have been what was in the original application. But complying with Federal requirements usually imposes a much larger burden. Lisa Graham Keegan, Superintendent of Public Instruction for the State of Arizona, recently talked about the paperwork burden that Federal programs impose on her State:

> Their end (meaning the grant application sent by the Federal Government) may be five pages—

That is Washington's end—

> but ours certainly isn't. We have to send in a hideous amount of justification. Plus they ask for ''assurances'' that we will align our state laws, policies, procedures, (thoughts, actions, desires . . .) to the federal program. Home loan applications also start out as one to two pages . . . by the time you are done with justifications, you have killed a forest. Same with federal applications.

That is the point. So Senator HARKIN may hold up a four-page application. This is the 110-page end result of what the States have to do. This is the 1999 IASA Program Data Checklist. There is, in fact, 110 pages in the application. That is much more typical of what ends up having to come back to Washington.

In her home State of Arizona, 45 percent of the staff of her State education department is responsible for managing Federal programs that account for 6 percent of the State's education program. As I pointed out the other day, in Florida, it takes six times as many people to administer Federal education dollars as State dollars—six times as many. So something is wrong.

What the substitute before us would do is create more programs, more paperwork, and reinforce more of the same without any of the focus upon children's academic performance and narrowing the gap that is the focus of the underlying bill.

I know most Members of the Senate want to do what is right for children. I ask them to consider where the focus really is in this substitute. If every school district in Arkansas—there are over 300 of them—applied for this one grant, the result would be over 30,000 pages of paperwork for those 300 school districts, for just one grant.

I know of two teachers in my home State of Arkansas who had to take 1 week out of the classroom to apply for a Federal grant. It is not easy for many small districts in Arkansas to find a person knowledgeable in the intricacies of the Federal grant process to locate funding that originally came out of their own pocketbooks, and there are no requirements in the substitute amendment for improvements in student achievement—no requirements. Instead, they are funding systems, not students, as we have done for 35 years. If we are to change the course of education in this country, it is time to realize that funding must support each and every child, not each and every program.

Senator DASCHLE charged that the underlying bill would replace federal targeting of funds and hand it over to the states to set their own performance criteria. I think this ''blank check'' strategy breeds contradiction. I am reminded of past bills that are now law where we voted to do just what the underlying bill requires. Let me give an example.

In August, 1998, the Senate HELP Committee—at that time it was the Senate Labor and Human Resources Committee—passed and sent to the floor the Workforce Investment Act—a bipartisan job training bill. Like our existing education system, the nation's job training programs were top-down, Washington-controlled and funded programs infested with bureaucratic red-tape. The WIA gutted the longstanding 1982 Job Training and Partnership Act, JTPA, and handed over years of federally controlled, prescriptive requirements to the states and localities. The States were given the green light by us to create their own plans to administer their own job training—teaching people the skills they need to make a living right on the local level.

I did not hear folks make the claims that this was a ''blank check'' 2 years ago. Where were they then? How can we have a bipartisan bill that overwhelmingly passed the Senate and handed the bulk of discretion over to States and local boards for teaching people job skills, but we cannot even think of doing the same for education. I will tell you why. It is because the Washington establishment for job training does not have Congress in a head-lock like the education establishment does. That is why.

Theold adage, ''you can't teach an old dog new tricks'' sure has meaning when the Washington establishment weighs in. Sure enough, creativity and innovative means to education get chucked out the window. I will not allow such unfounded charges that mischaracterize the underlying bill to go unchallenged.

There can be a legitimate debate, and should be, but my constituents overwhelmingly believe local control and local flexibility is a better course for American education.

I am very pleased with the underlying legislation with which the Presiding Officer had so much to do in the drafting, and Chairman JEFFORDS showed such leadership in the committee. It is a bill on which we can stand with pride. I do not want to trade in or exchange the future for the past. That is what this debate is coming down to.

The substitute that is being offered is a return to the past. The underlying bill takes us in a new direction and pioneers new opportunities for American children. The vote on this substitute will be: Do my colleagues want to turn back to the past or do they want to go a new route or new direction for American education—a plethora of new programs or a new way? That is the question before us.

I look forward, as we continue this debate, for the Senate, following the lead of the American people, to say enough is enough; let's chart a new path; let's put trust in those laboratories of democracy in the States that have done such a marvelous job on welfare; let's give them the same opportunities in education. We will look back,

as we look back on welfare, in a few years and say we did right by the American people and, more importantly, the children of this country.

I again thank Senator WELLSTONE for his willingness to allow me to precede him. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, it is amazing, I say with a twinkle in my eye. I actually agree with my colleague from Arkansas on one thing: This really is a debate about the future and the past. I just think he has it mixed up as to which bill represents which.

I am looking at the people who are opposed to S. 2. I see the American Association of School Administrators, American Federation of Teachers, Antidefamation League, Council of Great Cities Schools, Leadership Conference on Civil Rights, Mexican American Legal Defense Fund, National Alliance of Black School Educators, National Asian Pacific American Legal Consortium, National Association for the Advancement of Colored People Legal Defense Fund, National Association of Elementary School Principals, National Association of Secondary School Principals, National Parent Teachers Association, National School Board Association.

What occurs to me—and I will try to say it differently than I said yesterday—is what we have is not bureaucratic or some top-down Government program, we have school board members; we have the PTA, parents, elementary school principals; we have high school principals; we have teachers.

One can argue that all these organizations do not represent all of the principals, all of the teachers, all of the school board members, and all of the parents in the country, but, with all due respect, they represent many of them. The reason my colleagues do not have any such support from the parents, the teachers, the school board members, and the principals at the local level is because S. 2 is not connected to what it is people are asking us to do.

I will again talk about what my colleague from Arkansas was talking about, which is past versus future. This is what they have for accountability. This is the sum total of the Republicans' accountability provision:

> The Secretary shall renew the agreement for an additional 5-year term if, at the end of the 5-year term described in subsection (a), or soon after the term is practicable, the State submits the data required under the agreement and (2) the Secretary determines on the basis of the data that the State has made substantial progress—

Whatever in the world that is.

We turn back the clock 35 years. We abandon our commitment to poor children, to vulnerable children. We no longer have the specific commitment to migrant children and homeless children. Then the accountability provision is we wait for 5 years to see what has happened to these kids, and then the Secretary determines, on the basis of the data, whether or not the State has made ''substantial progress,'' which is not defined. This is hardly what I call a very rigorous accountability standard.

My colleague from Arkansas talked about the Workforce Investment Act. I wrote that bill with Senator DEWINE. I know something about that bill. Actually, it is a good example, but my colleague from Arkansas has made the mistake of assuming this was just a crude block grant program. That is not what we passed. It was a good compromise. Yes, we were able to go after some of the duplication and some of the bureaucracy. We also made sure there was a targeting and separate stream of funding for youth programs, for adult training programs, for dislocated worker programs, and I also think for veterans' programs.

When my colleague cites the Workforce Investment Act as an example of what we should be doing, it is precisely the opposite of what the majority party has presented. I will say it one more time, and then I will move on to a couple of other points in the positive. I first have to talk about what I am against, and then I have to talk about what I am for.

I am, as a Senator from the State of Minnesota, in agreement with the principals, school board members, the teachers, and the parents all across the country who oppose this legislation, S. 2, in part because it is an abandonment of the good commitment we made as a nation to our most vulnerable children. That, in and of itself, invites my opposition, and I believe it invites the opposition of most of the people in the country.

Secondly, when I look at the accountability language in S. 2, with all due respect, it is inadequate at best. Frankly, there is nothing there.

Now, my colleague is not on the floor now. Senator BROWNBACK is someone I am working together with on a good bill that is going to be dealing with the trafficking of women and children for the purposes of forcing women and children into prostitution and forced labor. It is an outrage. We are working together. But my colleague and other colleagues have said S. 2 is patterned after the welfare bill. He said: It has been a brilliant success, with the mothers working. And they are happy. People are working and happy.

For 2 years I have been trying to get a policy evaluation of what in fact is happening with the welfare bill. We do not know.

We know this. We have reduced the rolls by 50 percent.

We know this. We have barely reduced the poverty.

We know this. The vast majority of these mothers who are working have jobs barely above the minimum wage.

We know this. Mr. President, 670,000 more American citizens, many of them women and children, no longer have any medical coverage.

We know this. There has been a dramatic decline in food stamp participation.

We know this. The child care situation is dangerous. Many of these 2-year-olds and 3-year-olds, with their single parent working, are at home with someone who really should not be taking care of them or there are inadequate or downright dangerous child care situations.

We know all that. Can someone please give me the evidence for this being a great success?

We also know the Governors in the States are sitting on top of $7 billion of TANF money, while the child care needs of these children—poor children—are not being met.

I have colleagues out here who are telling me that on the basis of what we don't know—and then on the basis of what we do know, which is that it has been really quite brutal what has been happening—we should use the TANF experience as the basis for moving toward this crude block grant approach. It does not make a lot of sense.

As a matter of fact, some of our Governors have actually used the TANF money with a little bit of a budget gimmickry for tax cuts. Some of the States are being called on the carpet.

Would it surprise anybody here that not all this money is going to poor women and poor children? That is the point, colleagues. Please do not bring that piece of legislation out here and say it is a brilliant success and that people are working and happy when there is no empirical evidence to support that at all.

So my first point is, it is a great leap backwards.

My second point is, the accountability provision of the Republican plan is pathetic.

My third point is, when we talk about block granting and patterning it after the welfare bill, the TANF experience, there is not a shred of evidence to support that. Whatever evidence we have would make us very weary of doing so, especially if we are concerned about how poor and vulnerable children might fare.

My fourth point is, the Workforce Investment Act is a great example of a bipartisan approach. I was proud to write that bill with Senator DEWINE. Why didn't we get an elementary and secondary education piece of legislation out here which was bipartisan? We would not have to have any of this debate.

Certainly, with the Workforce Investment Act, we did not abandon the idea that when it comes to certain groups of citizens, we make a commitment, and we do not just go straight to a block grant with no standards, no accountability, and no national priorities.

What will work is our alternative. My colleague from Arkansas took off after the Senator from Massachusetts—in a civil way; it is just a good debate—and said: Clearly, the Senator from Massachusetts, Mr. KENNEDY, is

for the status quo because he says we should focus on what works.

Honest to goodness, this is getting pretty nutty. That is what we should do. If we know that good teachers make for good education, we had better, I say to Senator KENNEDY, focus on what works. If we know that smaller class sizes make a real difference, we had better focus on what works. If we know that investing in crumbling schools makes a difference in terms of building the morale of our children, we had better invest in what works. If we know that programs such as the Eisenhower program for math and science, and other professional development programs, lead to good teachers and good teaching, then we had better be investing our resources in this area.

Are my colleagues suggesting that actually we should invest in what we don't know? Are they saying our priorities should reflect what we don't know? Are they saying that because we have an alternative out here which focuses on teacher quality, professional development, a teacher corps to get more teachers in low-income school districts and low-income schools, class size reduction—I am sorry, I forgot parental involvement and investing in dilapidated schools, with some school construction money—all of which are priorities that the people in our States ask us to please focus on, all of which are programs that have a proven record and work, all of which is the direction in which our constituents tell us they want us to go, all of which is about good education for children in our country—that we represent the status quo? If so, I want to be called the ''Status Quo Senator.''

But I will tell you something. If this is just a cute semantics debate, I would rather be on the side of programs that work, I would rather be on the side of good policy, good public policy, than on the side of turning the clock back 35, 40 years to some crude block grant program where all of a sudden we abandon some key national commitments to the most vulnerable citizens and where we are, frankly, unwilling to make the investment in the very decisive priorities and programs that work and really make a positive difference in children's lives. That, to me, colleagues, is what this debate is all about.

Because my colleague from Wisconsin is out here, I will just take a couple more minutes.

On the parental involvement, I have worked on this. We have been doing some preliminary discussion. One of the things I have worked on is ways in which we can creatively use some of the nongovernmental organizations, community groups that have credibility with parents, to get them more involved. I am excited about that.

As long as we talk about welfare, I promise my colleagues, if this bill is out here for a while, I will have this policy evaluation. I am telling you—I say this to Senator JEFFORDS from Vermont—we have to have some honest policy evaluation of what, in fact, is happening because pretty soon we are going to be pushing everybody off the cliff. By the year 2002 there isn't going to be any of this welfare assistance to any families. Let's know what is going on.

I will have an amendment that deals with counselors—if it is not 100,000, then 50,000 more counselors—in the country. I tell you that we can do a much better job. The ratio is about 1 counselor per 1,000 students. That does not work. We can do a much better job of having an infrastructure of good counselors in our country that can make a real difference for kids, especially kids who are at risk, especially kids who are struggling with mental health problems. It is terribly important.

I will have an amendment that provides some support services for kids who witness violence in their homes. If my wife Sheila were out here on the floor, she would say: PAUL, repeat the statistic again that every 13 seconds a woman is battered in her home. Home should be a safe place. These children see it. They come to school. They have not slept through the night. They are depressed. They act out. They are really struggling.

I say to some of the pages, you can imagine what it would be like. I pray it never happens to you. We need to get some support services to those students.

I have several amendments that deal with the dicey and tricky question about whether or not we are just going to have standardized tests that hold kids back, as young as age 8, or whether or not we are going to: A, make sure these children have the same opportunities to succeed and pass these tests; B, to take into account learning disabilities or limited English proficiency before we start flunking 8-year-olds in the country; and, C, whether or not we are going to take into account the fact that everybody who works in this field says it is an abuse to rely just on one single standardized test.

Then finally, also, I am going to have an amendment that deals with urban education, Ed-plus, which is the counterpart to the rural education initiative, all of which I am for. But we want to make sure—this is what the Democratic alternative includes in it—this recognizes the challenge facing urban schools and enables the urban schools to build on some of these programs with more resources. We need to do that.

Mr. President, I conclude with what I think, frankly, is the strongest part of my presentation. This is the accountability provision of S. 2. Wait 5 years and then the Secretary determines, on the basis of the data, that the State has made substantial progress. Substantial progress is not even defined. We do a lot better.

Mr. President, the cargo in those yellow school buses is much more precious than all the gold in Fort Knox. We can do better. We can do much better for our children, and our alternative does better for our children.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, Senator DODD is to be recognized at this time.

Mr. FEINGOLD. Mr. President, Senator DODD is not present. I ask unanimous consent that I be recognized at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, following Senator WELLSTONE's excellent remarks on education, I want to speak on the bill before us. I rise to add my thoughts to this important debate about the future of the Federal role in the education of America's children.

The Elementary and Secondary Education Act has shaped the Federal role in public elementary and secondary education for 35 years. Yesterday, we began the debate on a new 5-year reauthorization of this vital set of programs. This debate will also set the tone for the Federal role in education for the next 5 years and beyond.

The legislation that this Congress passes this year will affect today's first graders well into their middle school years, and will carry today's eighth graders through to their high school commencements.

We hold the future in our hands, Mr. President. It is our responsibility to find the right balance between local control and Federal targeting and accountability guidelines for the federal dollars that are so crucial to local school districts throughout the United States.

Ninety percent of American children attend public schools. During the 1998–1999 school year, the most recent year for which statistics are available, more than 879,000 young people in my home State of Wisconsin were enrolled in public education, from pre-school through grade twelve. I am a graduate of the Wisconsin public schools, and my children have also attended them.

Mr. President, just a few short years ago the members of the other body considered eliminating the federal Department of Education all together. Some tried to evoke the specter of a federal takeover of one of the basic responsibilities of local governments—the education of our children. But those voices have faded in recent years as the Department of Education, under the dedicated leadership of Secretary Richard Riley, has regained the confidence of the American people and dispelled the charge that it was out to usurp the authority of the local school districts and the states.

I am deeply concerned by the persistent calls by some in Congress and elsewhere for a drastically limited federal involvement in our children's education. While I strongly support maintaining local control over decisions affecting our children's day-to-day classroom experiences, I am concerned

about the lack of appropriated targeting of funds and accountability for results in the bill that is currently before the Senate.

Mr. President, the legislation before us today has generated vigorous debate in my home state of Wisconsin. I have heard from parents, teachers, school board members, school administrators, school counselors and social workers, state officials, and other interested observers. And there is one central theme in their comments: The United States Congress must not undermine the targeting and accountability measures that currently exist at the Federal level. These provisions are paramount to ensuring that no students are left behind and that all schools perform up to the standards set by the states and by local school districts.

I have also heard from a number of my constituents that this Congress should do nothing that would undermine all the good that the federal government's support has helped the states and local school districts achieve in public education over the last several years, in areas including smaller class sizes, technology education, standards-based reform, and accountability for results.

The education community in my state is also deeply concerned—and I share this concern—about provisions in this legislation that would shift scarce Federal dollars away from the public schools they are intended to support.

I fear that this disturbing trend toward block granting and vouchers will further widen the educational divide in which too many of our students are caught. We need to focus our scarce resources on rebuilding and reforming our public schools, not on tearing them down.

I worry that this block grant and voucher-driven weeding-out process will leave behind the most vulnerable students—those from low-income families, those with special needs, those at-risk for dropping out, and those with behavioral problems—those very students that title I was created to help. We cannot and must not abandon our most at-risk students in dilapidated schools with outdated textbooks and few resources. We can and must do better for all of our children. The answer is not to funnel scarce resources away from the public school systems that have served this country so well for so long.

And those who think vouchers will lead to real school choice are sadly mistaken. Private schools are already full to capacity and many have extensive waiting lists. We cannot simply shift students from public schools to private schools and think that all of the problems will magically disappear.

Mr. President, we will hear a lot of terms batted back and forth during this debate.—Accountability. Flexibility. Targeting. Parental involvement. Class size. Construction and maintenance. Teacher quality. Professional development. After-school programs. Education technology. School choice. School reform.—These concepts are at the heart of this debate. The question lies in how these terms are defined. I sincerely hope that the members of this body will be able to leave behind the partisan rancor that unfortunately pervaded the Health, Education, Labor, and Pensions Committee's consideration of this bill and come together to do what is best for all of our Nation's children.

I would like to take this opportunity to discuss some of my own priorities—and those of my constituents—for this important piece of legislation: class size, targeting, professional development, music and the arts, and the impact of this bill on preparation for post-secondary education and entrance into the job market.

I regret that this bill as reported by the HELP Committee does not contain the authorization for the funds necessary to implement the third year of the President's initiative to reduce class size in the earliest grades. And I particularly regret that this commonsense proposal was defeated in committee on a straight party-line vote.

My home State of Wisconsin is a leader in the effort to reduce class size in kindergarten through third grade. The Student Achievement Guarantee in Education program is a statewide effort to reduce class size in kindergarten through third grade to 15 students.

The SAGE program began during the 1996–1997 school year with 30 participating schools in 21 school districts. Now in the program's fourth year, there are 78 participating schools in 46 school districts.

According to the recently-released program evaluation for the 1998–1999 school year, conducted by the SAGE Evaluation Team at the University of Wisconsin—Milwaukee:

First grade students in SAGE classrooms statistically outperformed their peers in comparison schools in language arts, math, and total scores on the post-tests administered in May of 1999. And twenty-nine of the thirty top-performing classrooms for which two years of data were available are SAGE classrooms.

Case studies conducted at three SAGE schools during the 1998–1999 school year found that, ''individualization is made possible because having fewer students enables teachers to know students better, it reduces the need for teachers to discipline students, which results in more time for instruction, and it increases teacher enthusiasm for teaching.''

The case study also found that: ''A product of individualization in reduced size classes in addition to academic development is student independence, thinking, and responsibility.''

The results speak for themselves, Mr. President. Smaller classes translate to better instruction and better achievement.

I will support efforts to include this important program in this bill.

As I noted earlier, one of the things that my constituents have repeatedly told me is that the targeting mechanisms that ensure that vital federal dollars reach those students who need them most are a crucial part of any ESEA reauthorization. Time and time again, my constituents have expressed opposition to any effort to block grant title I and other programs under ESEA.

Title I pays for supplementary educational services for economically disadvantaged students, and those funds are targeted to the schools with the highest concentrations of eligible students. During the current school year, local school districts in my home State of Wisconsin will receive more than $125 million in title I funding. According to the Department of Education, ninety-five percent of the nation's highest-poverty schools receive this vital title I funding.

I am deeply concerned about the so-called ''portability'' provisions in this bill, which would allow ten states and twenty local education agencies in other states to distribute their Title I money on a per-pupil basis rather than to the schools with the greatest need. This funding formula would allow parents to choose to use their child's share of these ''portable grants'' for supplementary services at their public school or for private tutoring services, which could be provided by private or religious schools.

This formula will all but ensure that those schools with the highest concentration of poor children in the ten states and twenty districts using the portable grants will no longer be able to count on this crucial Title I support.

And this provision also raises serious constitutional questions about the use of public funds for tutoring provided by non-public sources.

In addition, there is no clear way to determine accountability for the success of those children whose parents opt for non-public tutoring services.

I will support efforts to eliminate the portability language and ensure that Title I funding continues to be targeted to the schools with the highest concentrations of low-income students.

I have also heard a great deal about the importance of federal dollars for professional development for teachers, administrators, principals, and school counselors and social workers. We must do everything we can to ensure that teachers and other school professionals have access to the resources they need to continue their professional development. We often hear people say that we should encourage our children to become ''lifetime learners.'' We must also ensure that those who educate our children have access to quality professional development programs that enhance their effectiveness and give them access to the latest methods in teaching, administration, and counseling.

In that same regard, we must ensure that our children have the opportunity to receive a well-rounded education

that is both academically challenging and rich in opportunities to study music and the arts. I am deeply concerned that many school systems around the country have decided to eliminate, or to severely scale back, their arts education programs. Research has shown that arts education can help students to become better learners in all subject areas.

The arts given students the opportunity to express themselves in ways that are distinct from those provided by the academic subjects. Students learn valuable lessons including cooperation, hard work, dedication, and the desire to strive for excellence—lessons that will help them in other areas of their education and in other aspects of their lives.

We must do all we can to prevent local school systems from having to choose between maintaining the arts as a vital part of their curriculum or building a new science lab. Both are important for our students, and one should not have to be sacrificed to have the other.

Finally, Mr. President, we must ensure that high school graduates have the skills they need to be successful adults, whether they choose to go on to college, technical school, the military, or into the job market.

I am pleased that the HELP Committee adopted an amendment offered by the Senator from New Mexico, Mr. BINGAMAN, which authorizes additional funding to expand a very successful existing program which increases access to Advanced Placement classes and exams. It is extremely important that we continue to strive to give all students, regardless of their economic status, access to these challenging academic courses.

And it is important that the Congress also help to provide the financial assistance that so many students need to continue their education. For that reason, I will continue my efforts, along with the Senator from Massachusetts, Mr. KENNEDY, and others, to increase the individual maximum Pell Grant award by $400.

Mr. President, I wish to again remind my colleagues that this bill currently before us will affect 90 percent of the school-aged children in this country. While many of them have never even heard of the Elementary and Secondary Education Act of 1965, they will feel the impact of its pending reauthorization in their classrooms beginning next fall. I welcome this important debate. I hope that we can produce a truly bipartisan bill that will provide the financial assistance that our children deserve and the appropriate targeting and accountability measures that our states and local school districts continue to call for. And I hope we will do this without creating a system of block grants and back-door vouchers that will leave our most vulnerable children behind.

I thank the chair. I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order of recognition be Senator GORTON, followed by Senator DODD and Senator ASHCROFT, and then Senator HARKIN.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, may we amend that for this side? The order on this side would be Senators DODD, KERRY, SCHUMER, HARKIN, and DORGAN.

Mr. JEFFORDS. We are trying to alternate.

Mrs. MURRAY. We will alternate, obviously, between the sides. But that will be the Democratic speakers.

Mr. JEFFORDS. That is fine.

Mrs. MURRAY. The order on the Democratic side, obviously alternating with the Republican side, would be Senators DODD, KERRY, SCHUMER, HARKIN, and DORGAN.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JEFFORDS. With the understanding that we will be intersecting in between with a Republican as announced.

The PRESIDING OFFICER. The Chair's understanding is that the speakers will alternate starting with Senator GORTON in the order listed.

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, this has been already a remarkably substantive debate, with, I think, a clear delineation of education philosophies on each side.

The nature of the debate and the degree of heat that accompanies it has, I think, obscured one overwhelmingly important factor; that is, without exception, the Members on either side of the aisle have genuinely desired to improve the education system of the United States and desire a Federal participation that enhances that growth and that improvement. This, of course, is a wonderful characteristic of the debate where we are debating means and not ends.

As well, I hope, before the debate has concluded next week, or whenever we complete it, there will have been a reaching across the aisle that divides the two parties on proposals that do not unite everyone on both sides but at least will unite a sufficient number of Republicans and Democrats so that the last vote we take will be a vote on final passage of an education-related bill that can take the next step toward reaching the goals in which all Members join. That is not to underestimate the differences between us.

I found the statement made by the Senator from Wisconsin to be particularly eloquent, even as I disagreed with almost all of its particulars. If I may be permitted to do so, I think I characterize the difference as being a difference which relates primarily to our degree of trust and confidence in men and women for whom education is both a profession and an avocation, men and women who spend their lives as educators, as teachers, as principals, and superintendents.

This debate also expresses a difference with respect to our trust and confidence in parents to seek the best possible education for their children, and in those men and women who share with Members of the Senate the willingness to suffer the slings and arrows of political campaigns often hotly contested but, in their case, running for membership on school boards across the United States, most of whom, unlike us, are not compensated or paid for the job they undertake.

The real difference—and it is a difference—illustrated by the relatively narrow two amendments before the Senate at the present time, one relating to Straight A's and the Democratic alternative, is the degree of trust and confidence we have in allowing those decisions to be made by people who know the names of the children they teach.

The Senator from Wisconsin has set out in detail his priorities, the clear implication being in every single case that if we don't set these requirements, the arts will be overlooked, underprivileged children will be overlooked, teacher training will be overlooked; that some amorphous blank check somehow or another will not be used for primary education purposes.

I find it difficult to understand this kind of difference. After all, the men and women who are voters in the United States, who voted for us, are the same voters who vote for these elected school board members who, in turn, employ the professionals in education. Why is it they elect Senators who are sensitive to all of these needs and school board members who are not?

One of the two subjects before the Senate now is Straight A's. It isn't the Straight A's that I started out with, by any stretch of the imagination, either when I introduced it under that name more than a year ago or when its precursor was voted on in this body some 3 years ago. It is, among other things, only an experiment limited to 15 of the 50 States in the United States of America. But for those 15 States, it says essentially, we trust you. We trust the education authorities in each one of these 15 States not only to use the money as wisely as we do in our categorical aid programs but more wisely.

However, in spite of the use of the phrase ''blank check,'' the check by no means is blank because in order to take advantage of Straight A's, in order to be one of these 15 States, the State must set up a testing system, an achievement system that measures how well its students are doing, must propose and sign a contract that the achievement level will rise as a result of their being allowed to use this experiment and that they risk losing this additional authority and trust if they do not meet the commitments they make in that original contract.

Mr. KERRY. Will the Senator yield for a few questions to explore what the Senator has just said?

Mr. GORTON. For a brief period, yes. I do want to finish my remarks, but go ahead.

Mr. KERRY. I thank the Senator, and I will not be too long.

We have come here for several years in a row with this impasse. The Senator from Washington and I have met privately trying to have a discussion about how we could find a meeting of the minds. I certainly don't question his desire to have kids in the United States educated.

Obviously, there is a difference between us, as he has said, in our confidence in what may occur. As the Senator from Washington knows, when title I began back in 1965, for instance, it was a block grant. Indeed, in Memphis, TN, moneys were used to pay for swimming pools. In Oxford, MS, moneys were used for cheerleading uniforms. In Macon County, AL, moneys were used for football uniforms. In Attala County, MS, two lagoons for sewage disposal were constructed with title I money.

The record of States not choosing to reduce class size or have afterschool programs or improve teacher quality is already there.

The question I ask the Senator, If everyone on his side is so willing to pass this bill with the notion there is a level of accountability that they will put in place for improving education, why would they not be willing to adopt a series of areas which we could all agree on to represent the top priorities in America for education, such as getting better teachers, improving teacher quality, having afterschool programs? Isn't it possible to agree on a broad categorization that does not tell local districts how to do it, doesn't tie their hands to one particular choice, but gives them a sufficient range of options? At least we know the Federal dollar will not be subject to the kind of abuse it was once subjected.

Mr. GORTON. The Senator from Massachusetts could not have asked a better question. He does remind me of the fact that he and I, with a number of other Senators in both parties, have had, over the course of last 2 or 3 years, a number of meetings in private to discuss whether or not we could reach just such an agreement.

We haven't reached it yet. That is obvious from our place on the floor of the Senate at this point. As I think he knows, negotiations involving at least some Republicans and some Democrats with that goal in mind continue at the present time.

I think it is the nature of our common humanity that we don't usually reach agreements on controversial issues until we are at the point of having to make final votes on these issues. I have every hope that we can.

In connection with the two proposals on the floor today, however, they state our dramatically opposing philosophies. My answer to the specifics of the question asked by the Senator from Massachusetts is very simple. He, it seems to me, is examining a beetle stuck in amber, a fossil from 35 years ago, with five examples out of 17,000 school districts today that he believes did not use money properly when they could use it as they desired.

But we have had 35 years of experience since then, with increased Federal controls, increased Federal mandates, increased numbers of forms to be filled out. And they have not succeeded, in title I, in reducing the disparity between underprivileged students and the common run of students who do not fall into that category. Yet we see the proposal on which we will vote later this afternoon, that side of the aisle saying the problem is not that we have too many rules, we have too few, and, where we had 100 pages of regulations, we need 200 pages of regulations.

While we can all say we wish for our schools better teachers, more teachers, more computers, and a number of other items, what we see in a proposal of categorical aid is each school district needs so many more teachers, each school district needs so many more teacher training programs, each district needs so many more hours of art instruction, for example, rather than saying within these broad categories each school district ought to be able to decide the balance among each of those primary needs.

We also see, obviously, that there should be some form of accountability. We believe we have the ultimate form of accountability, that in Straight A's, in that portion of this bill at least, we say the bottom line is: How well educated are your students after they finish this program? Is there an objective measurement of their educational achievement? Has that improved? That seems to me to be a policy accountability against the process accountability we have required, increasingly, in the course of the last several years.

Mr. KERRY. Mr. President, I appreciate the answer.

I do not want to abuse the time because I know my colleagues are lined up to speak, but if I may ask further, I hear what the Senator is saying, but the examples I chose are examples of when it was a block grant. We changed the block grant precisely in order to obviate those kinds of examples. Bringing it to modern times, I know the Senator will agree with me that everyone in the Senate is not debating education because it is a nonissue in America.

No one would suggest that every Governor in this country is doing as well as some other Governors in the country. No one would suggest—I am not going to name States here—there are not some States that are light years behind other States in what they are willing to adopt.

So even measured against the modern system, I agree with the Senator from Washington. Let's tear apart some of the bureaucracy. Let's rip away some of the layers and tiers, let's minimize the paperwork. But let's guarantee we are working together in a more genuine fashion. The fact that we have bills on the floor that are, frankly, as far apart—this is the first time in the eight times this bill has been to the floor that there is as little bipartisan effort at this stage as there is this year, a time when education is far more important than it has ever been in the history of the country.

So I ask my colleague if it is not possible, if we somehow cannot find a more reasonable middle ground where we achieve goals of both sides which are essentially to provide the best opportunities for our kids.

It seems to me, when you are looking at a 5-year period before you, in effect, measure what is happening, I am constrained to ask the Senator how that 5-year period helps a kid who goes into that foundational stage of education, or even a high school student? You go into freshman year and you are gone from high school before anybody has evaluated the program at the Federal level to make a judgment whether or not the Federal dollar is being well spent.

Surely the accountability mechanism in the Democratic alternative cannot be that unappealing to those on the other side who want to give local administrators power but at the same time be more responsible for the Federal dollar. I wonder why it is, in fact, so unacceptable, measured against a 5-year block of time where nothing takes place.

Mr. GORTON. I repeat the first half of my answer to the Senator from Massachusetts. I believe there are efforts—I hope he is a part of those efforts; I can assure him this Senator is—to reach just such an agreement in which each side would accommodate to some of the highest priorities of the other side, whether they are substantive or procedural with respect to accountability.

But I think the reason the differences are so great as against what they were 5 years ago, or 10 years ago, is that, if I may say so, on this side of the aisle there is a greater recognition that we are on a dead-end street, that 35 years of the kind of programs with increasing rules and regulations that have led us to this point simply have not worked. There is a greater disposition over here to say, at least in some States we ought to allow people to do something radically different from what they have before them.

The Senator from Massachusetts is 100-percent correct. Some States are far ahead of others, even with the degree to which their hands are tied by present Federal regulations. My profound fear is, if we allow even more differentiation, the next time we come to renew this act, we will have a far better understanding of what works in the real world and what does not work in the real world.

What I wanted to say, not only in connection with Straight A's but in

connection with title I portability, in connection with the Teachers' Empowerment Act, in connection with the Performance Partnership Act that comes to us from the Governors, that is a part of this bill, and of course in connection with Straight A's, none of these experiments, or these changes of direction, is mandated on any State of the 50 States in the United States of America. Any State education authority, any State legislature that does believe it is making more progress or will make more progress with essentially the present system—tweaked a little bit—is completely free to do so. Only 15 States can take Straight A's. I think at present only 10 States can take title I portability, plus a few other school districts.

Mr. KERRY. Mr. President, I will have more to say. I thank the Senator for interrupting his remarks. My colleague has been waiting a long time. My only comment is that Ed-Flex was passed. It allows radical departures. And very few Governors have even taken advantage of the Ed-Flex that we passed. We need to look at the reality of what is happening. I thank the Senator very much for his engaging in this dialog and thank my other colleagues for their patience.

Mr. GORTON. I appreciate the comments of the Senator from Massachusetts. I do think they lent clarity to the debate in which we are engaged at the present time. I am fairly close to the conclusion of my remarks.

Again, it is essential for both Members and the public to understand that we are not mandating a change in the Federal system. We are enabling a change in the Federal system. We are enabling a combination of three or four or five changes in the Federal system. If I find any proposition difficult to understand, it is the proposition that somehow or another we know so much more about the subject than do the Governors and legislators of the various States, the elected school board members, and the full-time school authorities in 50 States and 17,000 school districts across the United States of America.

It is true that the virtue of humility is more highly praised than practiced. No place is that more true than it is here in the Senate. But it does seem to me that a little bit of humility about these education policies is very much in order here, a little bit more trust and confidence reposed in the people who devote their entire lives to this field of education—something that we do not.

The comments of the Senator from Massachusetts were very well placed and very thoughtfully stated. By the time we reach the end of this debate, I hope we will be in a position that we simply will not have all members of one party voting one way and all the members of the other party voting the other way. I hold that to be a very real possibility.

In the meantime, it is vitally important to make clear the distinction between those with all the eloquence of the previous speaker from Wisconsin whose goals I totally share but whose means I do not share at all, who sets out what he thinks are priorities the Congress is better able to set, not in general terms but in very specific terms, for every school district across America.

Our view is that we seek a better educated populace in the 21st century, children better prepared to deal with the marvelously complex challenges of that century by allowing our schools the greater right to innovate, a greater right to meet these challenges than we grant them at the present time.

The current manager of the bill and I represent the same State. While we disagree on these issues, we agree on the wonderful innovative things going on in the State of Washington at the present time. I simply wish to grant more scope to that innovation. I hope my State will be among the 15 because I trust the educators in my State and school board members in my State to make the right decisions about their children and about their schools.

I must say, I have no less confidence than the people who hold those positions in the State of the Presiding Officer across my eastern borders, or, in that case, the State of Massachusetts represented by my good friend. There at least is the debate. For tomorrow, I hope we have a greater degree of accommodation which does and must retain this degree of added authority, added trust, and added confidence in our school authorities.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I see a number of my colleagues. I know time is running along before the first vote will occur. I will try to move along and not delay my remarks or be repetitive.

Unfortunately, there are some significant distinctions between the alternative and what is being proposed in S. 2. I always think it is worthwhile to lay some basic facts before our colleagues, which I have done in the past, but I believe it deserves repeating.

Fifty-three million children every day go to an elementary school or high school in America. About 48 or 49 million of the 53 million walk through the doors of public schools in all 50 States and territories of the United States; about 4 to 5 million go to a nonpublic school in America. Our principal responsibility is how do we improve the quality of public education in the United States.

We spend less than one-half of 1 percent of the entire Federal budget on elementary and secondary education. I expect that comes somewhat as a surprise to the majority of Americans that we spend even less on the education of 90 to 95 percent of all children in the United States than we do on foreign aid, and more speeches are given on education on a weekly basis than any other subject matter. Most of those speeches begin with how nothing is more important to the well-being and future of our Nation than the education of our children. Yet less than one-half of 1 percent of the entire Federal budget is spent on improving the quality of education for America's children. The rest of the education money comes from our local communities and States.

We are not much of a partner when it comes to the education of America's children. I do not think the question is whether we are doing too much. I happen to subscribe to the notion we are not doing much at all. Of the entire education budget, the Federal government provides 7 percent—a little less—of the total dollars spent on education. Ninety-three percent comes from our States and communities. We are involved with 7 percent of that education budget, less than one-half of 1 percent of the entire Federal budget of the United States.

We really do not do much for education. We decided 35 years ago that it would make sense to at least try to do something about the poorer schools in America. Why? Simply, we came to the realization that on a State-by-State basis, there was not a great allocation of resources to the poorest schools, both urban and rural. In fact, States were spending about 60 cents, 63 cents on poor children. With our 7 cents on the dollar, we spend about $4.50 on poor children as opposed to the Governors across the country.

We tried to target these resources to those areas, a rifle shot into the areas we thought might do the most good to make a difference. It has been said over and over this afternoon that, in 1965, they began with the idea of turning over a bunch of money—basically a block grant to the States—and said: Get this money back to those poor communities.

As my colleagues just heard from our colleague from Massachusetts and others, the track record of what happened to those dollars was abysmal, it was embarrassing, it was scandalous. Money that was supposed to go to these poorer schools to improve the quality of education went, in case after case, to anything but that. So we decided collectively—again not in any partisan way—that we ought to come up with a better idea of getting the resources into these tough nonperforming schools in rural America and urban America.

We began the process targeting dollars. That is where we are today. What is the difference between what has been offered by the distinguished minority leader, Senator DASCHLE, and others and what is the underlying bill?

First and foremost is this notion of block grants. It is a big difference, unfortunately. I wish it were not. I wish we could work out some differences, but apparently that is not possible, despite efforts over weeks and weeks to iron out the differences.

What is the difference? A block grant is turning a large sum of money over to

the Governors, which is what the underlying bill does, with the hopes the Governors are then going to transfer those resources to the local communities.

We, on the other hand, think that we are better off targeting those dollars directly back to the local community. Why? We happen to know—my good friend from Missouri is a former Governor—too often when the political debates occur in the State legislatures, it is hard. Sometimes the poorest areas do not have the political muscle to get the necessary resources. It is basically a revenue sharing program. They fight over scarce dollars even at the State level. They end up not doing what I know my colleagues who advocate block grants want to happen.

The fact is, in too many States, those dollars end up going off in different directions. As a result, we do not have any accountability. We are the ones who said you do it at the State level, you identify the needs, you come up with a plan, and at the end of 5 years, we will determine whether or not, based on your criteria, you have done it. That is hardly what I call a tough accountability standard when it comes to tracking the 7 cents on the dollar that we are providing for elementary and secondary education.

We came up with an alternative to S. 2, the underlying bill. Who opposes the underlying bill? We do, the Senator from Massachusetts, myself, and the Senator from Washington, but that is not terribly relevant. Also opposing it is the Council of Chief State School Officers, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the National Parent-Teachers Association, and the National School Board Association.

Who do my colleagues think these people are? Put aside the teachers' unions everybody gets fired up about. What about the locally elected school boards? Does anyone think they know anything about education?

Are they blind to all of this? Are parent-teacher associations some little special interest groups off in a corner that are trying to squeeze out some dollars for themselves? These are the people we represent. These principals, these school boards, these PTAs, they are saying this underlying bill is a bad idea. We are just giving voice to their concerns, identifying what they have said are the reasons to oppose this, and finding the common ground that will allow us to develop a program. We try to do this with the alternative which we will vote on shortly. It will get these scarce dollars to the areas that need them the most.

In a sense, what we are doing with S. 2 is walking away from the partnership, as limited a partnership as it is, with the scarce dollars we provide. We are now going to walk away from that. We are saying to these local communities: You do not know what you are talking about, the things you told us that you thought would work that we tried to incorporate.

Our good friends on the other side of the aisle are saying: Those school board members, those PTA members, those school principals, they do not know what they are talking about. We know best. I respectfully suggest that is a certain sort of arrogance.

Our bill requires and depends upon what we are getting from the local officials who know what they are taking about and have asked us to approach this problem in the way we have offered here today.

Under the plan offered by our colleagues on the other side, as I mentioned a moment ago, the Governors would identify ''educational priorities''—that is a quote from the bill—and over the next 5 years spend Federal funds on those ''priorities'' without any accountability for results. We go 5 years? And then we get some sort of accountability back?

Governors would also be able to reallocate dollars. There would be no targeting of resources. This is ludicrous. Given what we know from the General Accounting Office, States provide an additional 63 cents, I mentioned earlier, for each poor student. That is the history—63 cents for every poor child in the State. The Federal Government provides $4.70 or more. So we block grant a lot of what we are talking about here. Again, given the track record of our States in reaching these poor communities, it does not happen.

Block grants also weaken the focus on key areas of national priorities and obligations. Does anyone really think—we have all been around politics long enough. How vibrant a constituency do you think homeless children are? Tell me about the lawyers they hire. What political action committee do homeless or migrant children have? Does anyone know of a political action committee that raises money for homeless kids or migrant kids or title I kids? I do not know of any. Yet we are saying we are going to block grant these dollars for migrant children and homeless children, and we will leave it there in the State capitals. And don't worry, it is going to get to them. There is no track record of that at all. In fact, the track record tells us a completely different story. The track record says it does not get to them.

If we truly care about what our mayors and our school boards and our PTAs are saying in these communities where these kids live, they have asked us to follow a pattern that allows these dollars to go directly to them. This shouldn't be any great revelation.

I do not claim any one State is necessarily better than another. The fact is, if you are a homeless kid or a migrant kid or a poor kid or a title I kid, the likelihood that you are going to end up getting your share of the $1 is pretty small. We recognize that here. The school boards recognize it. The PTAs recognize it. That is why they oppose what is in S. 2.

Don't believe me. Don't believe my colleagues who have stood up and argued for this. Listen to the voices of the people who come from your States. It is the PTAs and the school boards that are saying: Get this money directly back to us.

Our bill acknowledges and supports key national priorities and priorities for parents. We know our involvement is limited; as I said, 7 cents out of a dollar that is spent on education. But we try to leverage those dollars to national needs. So our 7 cents actually, in many cases, leverages a bit more of local or State dollars in these areas.

National priorities: We do not make up the list of national priorities. This was not somehow drafted in a back room here or in the Democratic National Committee or the office of the minority leader.

Class size, school infrastructure, educational technology: go back to any community you reside in in America and ask whether or not those are important issues. You will hear your constituents say that they are. For the millions of kids who go to public school every day, the teachers will tell you, particularly in serving disadvantaged kids where these problems are huge, that class size, technology and the key issues.

I have often cited to my colleagues in my home State of Connecticut—we are a small State. I look around the room. There are a lot bigger States geographically represented here. Our State is 110 miles by 60 miles. San Diego County is bigger than my State graphically. We are also the most affluent State in the United States on a per capita income basis. I could take you to communities in my State that are just amazing in terms of what my local communities provide for in terms of an educational opportunity for children. Public schools, almost compete with college campuses in terms of language labs, computers, and the like.

I know of one such community that ought to be a model for what every public high school ought to look like in America. In 16 minutes or less, I can drive you from that school to an inner-city school in Bridgeport, CT, Fairfield County—for those familiar with my State, they know Fairfield County is a very affluent corner of my State. But in 16 minutes, I can take you from that school to a school where there are about four computers for the entire student body, cops on every corner, and teachers that have 20, 25, 30 students in a classroom.

So I have two constituents—high school students—living 16 minutes apart from each other with hugely varied educational opportunities, and my State does a pretty good job.

We provide the exact same salaries for teachers who teach in Bridgeport or some other area. But there is a great disparity. We wrestle with that in my State.

What we are saying with this bill, or trying to say, is that back in that community—I am not going to be able to

make it absolutely equal, but I would like to get some resources into that school.

You have to trust your good Governors. The Governor of my State and I are friends, who are in different parties. I like John, and my State legislature. But too often I know what happens. When it comes down to my inner cities, they just do not do quite as well. Those homeless and migrant kids, those poor kids, do not have the clout, and, too often, they do not get the resources.

So what we are saying with our alternative is we want to get those resources back into those communities to leverage those dollars.

Let me just briefly touch on teachers, if I can, and then wrap up. There are a lot of other areas to talk about. I know my colleagues want to talk about them.

Teachers are critical, we all know that, for success in schools. I come from a family of teachers. My father's three sisters taught for 40 years apiece in the public schools of Connecticut, one of them a Fulbright scholar. My own sister has taught for almost 30 years, teaching in the largest inner-city elementary school in my State—Fox Elementary School. My brother was a professor at the university level. I hear from him.

Teacher quality is critical. I think all of us agree on that. There is no debate about the importance of teacher quality. But consider, if you will, what these two proposals provide. I have already explained the difference in the block grants and how to get direct funding back into our communities in a targeted way. Let me just point out the difference on teacher quality programs in these two proposals that are before us.

The Democratic alternative which has been offered, provides $2 billion to help schools recruit and retain high-quality teachers and includes an accountability provision to make sure all teachers are fully qualified.

Specifically, we require States to have a qualified teacher in every classroom by the fourth year after enactment of this bill—a specific requirement, an accountability standard. We will be able to see whether or not we have achieved it. The alternative that we propose would guarantee that communities receive substantial funds to recruit qualified teachers, provide qualified mentors for new teachers, provide professional development for teachers, and hold schools accountable for the results in that area.

We currently spend $330 million on professional development. The Republican proposal to the alternative ignores this and only requires a portion of the $330 million be spent on these activities. If you want to have teacher quality, you have to invest in it. It does not happen miraculously. Our bill takes funds directly to $2 billion.

Under the committee proposal, you cut back on the $330 million we already have, and provide only a portion of those dollars to go for teacher quality. To contrast our proposal with the underlying plan in S. 2, they block grant all of the funds for teacher quality. And then on top of that, it block grants the block grant by making it subject to the Straight A's—a block grant on top of a block grant for teacher quality. Again, you are going to write a check for the Governors and you are going to say to get teacher quality up in these areas. We all know what happens. Too often, those dollars don't end up going where they ought to go in these communities—targeted dollars, focusing on teacher recruitment and professional development or a block grant on a block grant for teacher quality.

We say you have to have a school with qualified teachers in each classroom in the fourth year of this bill. There is nothing in S. 2 requiring that at all—nothing. How do you get accountability following a block grant on a block grant? Where do I go to get the answer for that?

The amendment we are proposing—the substitute—offers real accountability. Our bill requires States to adopt tough accountability standards for all schools—one system, not separate systems. The underlying bill says you have accountability standards for title I schools and another accountability standard for non-title I schools. That is a nightmare. Talk about creating some inherent discrimination in the process where you have accountability standards for one set of schools and then a separate one for others. That doesn't make sense. Our bill requires States to adopt tough accountability standards. If all children are going to learn to high standards, as required, then let's subject all schools to the same high expectations.

We also call for a real step toward accountability requiring school report cards. This will give the public and parents the information they need to hold schools accountable. Where those schools fail, we send in a new staff, new people to operate them at the first opportunity. If that doesn't work, we create charter schools, and if that doesn't work, we shut them down. What does S. 2 do? S. 2 says at the end of 5 years you have to sort of report back to us and let us know whether or not the schools have met the State standard and what they consider to be a high degree of performance. Under the Republican proposal, you wait 5 years for accountability. I don't know how, with a straight face, you call that accountability. That is not what the American public expects with accountability. They want a higher standard than that.

Lastly, our amendment responds to calls made by parents for help after school. The provision in this bill that calls for the 21st century learning community centers started out as a $1 million program 5 or 6 years ago. As a result of demand from our school districts, that program has gone to a $500 million afterschool program in 5 years.

Our proposal has schools working with community-based organizations, such as the Boys and Girls Clubs and other organizations, to develop an afterschool program for an additional 2.5 million kids in this country. Five million children every day, right about at this time—on the east coast at least—parents go through the anxiety of wondering where their kids are. Ask a local police chief what hours they worry the most about where kids are involved, and they will tell you between 2:30 and 6:30 in the afternoon, not after 11 o'clock at night. This is the dangerous period.

We have an afterschool period here where we put a billion dollars into after school—up from a $500 million—to expand that idea, so people have some security or a sense of confidence that their children are being taken care of. The Republican proposal is status quo on after school. We have to do better than that. This is one of the ways we can improve the quality and the safety of children, which parents worry about.

The two words ''status quo'' have been tossed around a lot in the last few days. I happen to think that is where the big difference is. We offer an alternative which is anything but the status quo. It is anything but that. I am so saddened, Mr. President. I have been on this committee for 20 years. I have never been in a situation where we didn't work out amendments together and craft a bill that was still subject to amendment on the floor. It was a bipartisan approach.

Education ought not to be an ideological debate. It is turning into that. My constituents don't walk up to me and talk to me about block grants and categorical programs, or about all these fancy formula issues that people talk about. They want to know whether or not you are working together with local people and trying to make a difference. None of us have a silver bullet here. None of us can say with total certainty what works or doesn't work. But we know, based on experience, particularly the experience of those who, day in and day out, dedicate their lives to the education of children, those who serve on our local school boards, those who serve on the Parent-Teacher Associations, those people who have become principals and teachers in schools.

Are we trying to demonize these people. These teachers are ''evil'' somehow, or they don't care about the kids. In the 30 years my sister has taught—she is blind, by the way, from birth—she has dedicated her life to education, when other options were available to her. She cares deeply about what happens to the kids she teaches. She tries to come up with better ideas each year on how to make it work better. Her experience is duplicated over and over again in community after community. To suggest somehow that school boards and PTAs and principals and teachers such as my sister don't give a damn about the kids is just wrong.

Our bill reflects their priorities, their ideas, and it is anything but status

I am saddened that we haven't been able to find common ground to listen to them and craft a piece of legislation here in the waning days of this session of the Congress—a bill that will have to survive for the next 6 years and will address these concerns.

Our schools are in trouble, and we ought not allow this to become so politicized that we can't come up with some common answers on how to address their needs. I urge adoption of the alternative and of some amendments that will be offered later on. Listen to the PTAs and the school boards. Listen to the principals. We give voice to their agenda. That is why they oppose the underlying bill. They oppose it. I oppose it but, more important, they oppose it. That is why the alternative is a far better idea. I urge its adoption.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I appreciate the opportunity to address the important issues we are facing today regarding education. I admire the passion with which my colleague from Connecticut has spoken. I simply come to a different conclusion. I think that if we really admire those individuals who work at the local level, we won't distrust them to allocate the resources for their children in their communities, to make good decisions about how the moneys are spent. That is a real contrast to what we have had for quite some time.

I wish to give a few examples about how Federal education program requirements eat up resources and they consume a disproportionate amount of the time that States and schools spend on administration. You see, when my constituents come to talk to me, they don't ask me about the process. They are asking me about the product. They are asking me can the students read? Can they spell? Can they compute? Can they reason? They want to be focused on student achievement. They don't want to be focused on whether the money is going to the State or whether the money is going to the Federal bureaucracy. They want something to happen at the end of the process that changes the lives of individuals.

As we get into a culture that is more and more technically oriented, the need for education is elevated more and more. In fact, we need to make sure that the money not only gets to the local level, but when it gets there, it can do something of value. And we have a couple of big problems with our current situation. They are primarily these:

No. 1, we may get the money to the local level, but only what is left of it after the Federal government and the State bureaucracies consume it with their bureaucratic redtape. So there is a small stream, a very anemic flow, that goes to the local community.

No. 2, when we finally get it there, we are frequently telling people at the local community that they have to spend it for something the local community knows isn't really very important.

Very few of us would want to get our help, for instance, medically, from someone who was 1,000 miles away and who didn't know anything about our condition. We would want someone who could examine us to find where our problems are and direct a therapy to address those problems. Federal programs from 1,000 miles away designed to make things uniform frequently don't work, and it is because the conditions are different in each community.

My colleague from Connecticut boasted of Connecticut's ability to provide uniform salaries for teachers. Then he talked about how unsuccessful it was to have the same salary in one place that you have in another place because the conditions are different. Maybe we should conclude something based on that—that uniformity may not be the answer. Maybe we should conclude that we should give individuals an opportunity to tailor, to adjust, to refine, and to define the resource and its application so that we could have a cause and effect, which is what we are looking for.

What is it we are looking for? We are looking for an elevated classroom capacity. We are looking for an elevated human capacity. We are looking for students who can read, write, spell, decipher, add, subtract, multiply, and divide. That is what we want from our schools. That isn't really different from the culture at large.

We have passed the century of mass products. Henry Ford was the master of mass production in the 1930s. He said, ''You can have your Ford any color you want it so long as it is black.'' He had the best idea, and a centrally driven idea that everybody would drive the same color car. The problem was that 10 years later, after he had 75 percent of the automotive market, he had 50 percent of the automotive market, and he began to understand that it wasn't appropriate to try to tell everybody what they wanted or what their needs were. He changed his slogan. Instead of, ''You can have your Ford any color you want it so long as it is black,'' he just shortened it to say, ''You can have your Ford any color you want it''—because he knew he had better meet the need.

It is time for us to stop saying you can have your education any color you want it so long as it is bureaucratic. It is time for us to say we want to help you elevate the capacity of students. We are not interested in bureaucracy. We are not interested even in bureaucracy at the State level. We are interested in students. We are interested in classrooms. We are not interested in interest groups. We want to elevate the capacity of students.

Listen to what has happened in the Federal Government. The Federal Department of Education requires over 48.6 million hours worth of paperwork every year in order for people to receive Federal dollars. That is the equivalent of 25,000 employees working full time. That is a real cost—25,000 full-time equivalents just processing Federal paperwork. There are more than 20,000 pages of applications States must fill out to receive Federal education funds each year.

The Department of Education brags that its staff is one of the smallest Federal Government agencies with only 4,637 people. State agencies, however, have to employ nearly 13,400 FTEs, full-time equivalents with Federal dollars to administer the myriad of Federal programs. That doesn't always reflect the total that is necessary at the local level. Hence, there are nearly three times as many federally funded employees at State education agencies administering Federal programs as there are U.S. Department of Education employees.

I think we need to be thinking carefully about getting the resources to the students. We are facing a situation today in the United States of America where more than half of all the employees in public education are outside the classroom. No wonder people are wondering whether or not we are getting a return on our investment.

Where do we want to focus our investment? Do we want to feed the bureaucracy and build the bureaucracy, or do we want to fund the classroom and elevate student performance? We have to look carefully at that.

In the State of Florida, it takes 374 employees to administer $8 billion in State funds. It takes almost 400 to do $8 billion in State funds. For the $1 billion in Federal funds, it takes almost 300 employees. Basically, there are six times as many hours required to administer one dollar of Federal funds as there are hours required to administer one dollar of State funds. That puts us in a situation where there is a lot of money being spent on administration trying to make sure we have complied with all of the Federal requirements and working to satisfy the Federal mandate instead of working to educate the children.

I submit that we ought to look at these statistics. We find that it is not surprising that the Federal bureaucratic maze consumes up to 35 percent of Federal education dollars. These Federal programs and their requirements take away not only precious dollars, but they take up valuable teacher time.

I don't think there is much question about what we want. I don't think this is a partisan issue. All of us in the end want students to be able to achieve. The educational system is not for the bureaucracy. It is not for Washington. It is not for the State capitals. It is not for making people fill out forms to comply with Federal rules. Clearly, we can't afford for this trend to continue. We need to change our Federal policies to ensure a more efficient use of our Federal resources.

I would be pleased to yield to the manager on my side for a comment or unanimous consent request.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the votes occur on or in relation to the amendments in the order in which they were offered beginning at 6 p.m., with the time between now and then to be equally divided in the usual form. I further ask unanimous consent that no second-degree amendments be in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JEFFORDS. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, a recent example of an inflexible mandate is the $1.2 billion earmarked exclusively for classroom size reduction for early elementary grades. That is a noble aspiration—lower classroom size. You can pursue a noble aspiration into a dead end or make a noble aspiration a financial misallocation.

Last year, Governor Davis of California described how the inflexibility of this initiative is hindering his State's ability to direct Federal funds to areas where the need is the greatest. While the Federal initiative requires funds to be used to reduce class size to 18 in the first three grades, in California they have already reduced class size to near that target in grades K through 4.

Governor Davis put it this way. He said of those Federal funds which are earmarked for an area where he has pretty much achieved the desired goal, that the goal to best serve the State's needs is to reduce class size in math and English in the 10th grade.

Of course, it is kind of hard to see that from Washington DC. But the Governor has a pretty good shot at understanding that if he has the class size problem under control in grades K through 4, and he really has a desperate need to reduce class size in the different area, he should be able to allocate those funds in that direction.

He put it this way: We need to have the flexibility to apply those resources where we think they could best be used.

A lot has been made about the potential for politics at the State level.

The eloquent speaker, the Senator from Connecticut, talked about how that might contaminate decision-making. Frankly, I think that the ability to hit the target from close up is usually far better than the ability to hit the target from long range.

When we talk about helping our children learn and helping them achieve elevated capacities in terms of the fundamentals necessary, States and local schools need the flexibility to spend money in the way they see fit to improve education.

Knowing the kinds of misallocations that have come, up to 35 percent of the resource being lost in the bureaucratic nightmare of regulations, the tens of thousands of full-time equivalents designed to supervise to make sure you spend the money in the way the Federal Government says it should be spent, in spite of the fact that might totally miss the needs of the student, we need to change things. We can't keep going in the same direction.

They used to joke when I was a kid when someone asked for directions. Someone else would say: Any road will get you there so long as you don't care where you are going. My grandfather used to say: I have sawed this board off four times, and it is still too short. If you are not succeeding, think about changing. The industrialist put it this way: Your system is perfectly designed to give you what you are getting. If you don't like what you are getting, think about changing it.

What are we getting? We are getting a poor return on our investment. It is wrong for America to have an output from its educational effort that is at the bottom of the industrialized nations. We can't keep sawing this board off. It is too short. We can't just take any road to get us there because we know we have a destination that is important. We can't afford to be taking the wrong road.

It is important to put people who are there on the spot, to see what the needs are. I say it this way: I want someone who knows the names of the students and the needs of the schools making the decisions. That is what is important. I want people who will live or die by the decisions, not someone from 1,000 miles away.

I believe there is a lot of common ground here. People talk about getting money to the local level. It doesn't do any good to get it there and then tie the hands of the people at the local level, or send the money to the school district so they can only spend it for things that are not priorities. That doesn't make much sense. Send the money to the school district and allow the school district to devote the resource to those things which are important to the achievement of students.

Mr. KERRY. Will the Senator yield?

Mr. ASHCROFT. Yes.

Mr. KERRY. Can the Senator tell me precisely what priorities resources are required to be spent on?

Title I is the biggest expenditure of Federal money; it is for poor, disadvantaged children. Is that a priority?

Mr. ASHCROFT. Yes.

May I answer the question?

Mr. KERRY. I asked the question.

Mr. ASHCROFT. First you said, could I respond by saying what priorities people are being required to spend resources on, or what things are not a priority.

Governor Davis of California said: You are requiring me to spend money on reduced class size in grades K through 4 when the priority is for reducing class size in grade 10 and English.

I quoted the Governor a few moments ago to that effect.

I believe it is very important that we be able to devote resources in ways to improve the ultimate performance.

We know class size is a priority in some settings. And other kinds of priorities exist for other settings. But I think we should allow individuals who know what the students need for our ultimate priority, which is student achievement. I think they should be able to look at that ultimate priority and see how we are going to elevate the performance of students.

Mr. KERRY. If the Senator will yield, is the Senator aware—and maybe the Governor is not; I think he is—that it is an option, but, secondly, that the Senator joined with all of us in voting for Ed-Flex under which any Governor basically can do whatever they want?

Is the Senator aware of that? That is what we passed last year, complete flexibility to Governors. We are not required to spend that. If they want to seek a waiver, they can get a waiver.

Mr. ASHCROFT. I ask the Senator to restate his question.

Mr. KERRY. Is the Senator aware under Ed-Flex the Governors have full flexibility for a waiver for any kind of onerous regulation? We voted for that last year precisely for this purpose. It is, in fact, voluntary as to whether or not they make the decision to which he referred.

Mr. ASHCROFT. I believe the correct interpretation of Ed-Flex is that there is substantial flexibility accorded to Governors for certain programs—not for all programs—and I believe it would be a misstatement to characterize it in the way it was characterized in the question. But there is additional flexibility, and I voted for Ed-Flex because it was a step in the right direction.

I don't purport to say the Governors should be the last word on this. From my perspective, we would be well served to push more of the decision-making authority down to the local level where the people who know the names of the students and the needs of the schools can make the determination.

I have visited three or four dozen school districts in my State in the last 3 or 4 months. I have been very intensive in my examination. It is very important we understand that tailoring the resource to meet the needs of students to elevate student performance is very important.

Sending money to feed the bureaucracy isn't important. The ultimate thing we need to determine is, are we doing those things that will elevate student performance? It may not even be the same thing in every case. There may be things needed in one area in one setting, in one cultural venue, that are different from in another. The presumption that Washington can know a

single solution is as foolish as the idea that there is a single product that would suit everyone.

Look at the march of industry in our country. We don't try to sell everybody the same computer. Look at the future. The future tells us if you call a fellow named Dell down in Texas, he doesn't tell you what computers he has to offer, he asks you what your needs are. They tailor that computer to meet your specific needs.

It is called mass customization, not mass production. Mass production is a thing of the past. Mass customization is a thing of the future. Let's allow our school districts to tailor the resources we provide to meet their needs and to elevate their students' capacity. Let's not try to impose on those students some sort of template from Washington that pushes them into a program or something that is not in their best interests and not according to their needs. The idea of Washington imposing and distorting education is an idea whose time has past.

In my State, there is a designation that is a result of a Federal program called IDEA. One in seven students in my State—and one in eight nationally—are designated as disabled. As a result of this designation, those students are not subject to discipline in the same way other students are. For example, if a disabled student brings a gun to school, the maximum time you can keep him out of the regular classroom is generally 45 days. Some of these disabilities, a good number of them, are behavioral disabilities, so they are students whose problem is in controlling themselves. Instead of having the 1-year suspension from class because they brought a weapon to school, they only have a 45-day suspension from class because they brought a weapon to school.

It is very difficult for local school administrators to have a situation where they can't discipline students effectively to maintain order and control. I believe we ought to adjust that. We ought to get decisions about resource allocation down to the local level, to moms and dads, community leaders, school board members, to decide how to spend the resources to best elevate student performance. I think that is what they want to do with the money. That is what they want school resources for.

I think we ought to also say to those people at the local and State level, you can make the kinds of decisions regarding discipline that are necessary in your culture and in your community and in your setting to secure the classroom and secure teachers. It is very important that be done, and be done in ways that will help students.

The Missouri School Boards Association has talked to me recently about these kinds of circumstances. They have given me some examples of what has happened in their school districts in the area of IDEA, discipline, and safety. Here is one, ''Teacher Assault.''

High school student with disabilities was placed in an alternative school after repeatedly assaulting her high school teachers. Recently aggravated, she approached the office. The secretary was talking with a person outside the office and did not see the student approach. The student hit the secretary in the side of the head, knocking her glasses off her face and causing personal injuries. This year the student has broken her teacher's glasses four times by hitting him in the face or pulling them from his face and breaking them. This behavior continues in spite of multiple years of interventions by mental health professionals, behavioral specialists and disability experts at school. The parents continue to meet on a regular basis with the school personnel. However, assaults are frequent and cause injury at home, at school and in the community. No agencies within the community or State will provide comprehensive treatment or services as she is considered too aggressive. She remains in public school.

Not subject to the kind of discipline there ought to be.

I can go through case after case of teacher assault. I can talk about students who have been shot by other students, students who were injured, whether it is with a knife or with a gun, and the absence of the capacity of our school administrators to deal with students who pose threats to the learning environment of our classrooms. It is a tragic absence of capacity. We ought to return that capacity to the local level. I believe it is possible for us to do so when we think carefully about our school; whether it be assaults on teachers, whether it be the possession of weapons, whether it be the importation of drugs into the schools.

So it is with this in mind that I think trusting local school officials is the way for us to respond. We need to adopt the kind of philosophy that moves decisionmaking as well as resources to the local level. Just moving resources to the local level with an administrative burden and a direction to spend the resources in ways that are not needed at the local level is nonsense. Move the resources to the local level and move the decisionmaking capacity to people who know the names of the students and the needs of those students and the needs of the institution. Let them make decisions.

Second, allow individuals who are running our schools at the State and local level to have the kind of rules and disciplinary procedures which provide a safe learning environment. If we do those things, we get to our ultimate accountability. The accountability is in student performance. Accountability is not in answering to Washington. Accountability is not answering to a bureaucracy. It is not filing tens of thousands of papers. Accountability is whether our students can read and write, add, subtract, multiply, and divide. It is whether our students are prepared for a technically demanding world, a workplace where, if they succeed with the right education, it will provide them with a chance to be world leaders; where, if we do not succeed and our educational skills languish, our days are numbered as a leader of the world.

It is with that in mind I want to say how important it is for us to not only have the right ability to send resources but decisionmaking as well to the local level, and then to provide a basis for maintaining a safe school environment by simply saying that school districts have the ability to discipline all children who bring weapons to school or use illegal drugs at school or possess them at school or children who assault school district personnel.

I will close by just remarking that this is not something that is against the best interests of schools or of teachers or of groups of individuals. The Education Roundtable of Missouri, which is comprised of all the major education associations in Missouri, including the PTA, including the MNEA, including the AFT, including the Missouri State Teachers Association and the Missouri School Boards Association—all of those endorse this idea that we need to have the capacity to discipline appropriately all students who bring weapons to schools, who assault teachers, who threaten and assault teachers and provide drugs in the school. They should be subject to appropriate discipline measures.

I ask unanimous consent to have this letter from the Missouri Education Roundtable be printed in the RECORD and I thank the Chair for this opportunity to express myself on this important issue.

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

THE MISSOURI EDUCATION ROUNDTABLE,
Columbia, MO, May 1, 2000.

Hon. JOHN ASHCROFT,
U.S. Senate, Washington, DC.

DEAR SENATOR ASHCROFT: The Education Roundtable, comprised of all the major education associations in Missouri, strongly supports your proposed amendments to the Individuals with Disabilities Education Act regarding discipline of students. It is absolutely essential that school district officials have the ability to discipline any child that brings a weapon to school, possesses or uses illegal drugs at school, or assaults school district personnel. This conduct must not be tolerated in our public schools.

School safety is a top priority for teachers, administrators, and school board members in Missouri. Our children must be guaranteed a safe environment if effective learning is to take place. We are committed to providing such an environment but currently our hands are tied in certain circumstances due to restrictive federal law. We commend you for offering this important amendment and we urge your colleagues in the Senate to approve it.

Sincerely,

CARTER D. WARD,
Executive Director,
Missouri School Boards Association.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

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

The Senator from Massachusetts.

Mr. KERRY. Mr. President, I say to my friend from Missouri, who I have

listened to carefully—and I regret with only 10 minutes, I do not have time to yield and enter into a dialog, which I would enjoy doing—first of all, I agree with what he just said about the capacity of people to discipline. In fact, I have proposed what we call Second Chance Schools. In the legislation that Senator GORDON SMITH and I proposed, there is a component of it that would help provide the capacity for that kind of discipline. But once again, because this is not a bipartisan process or one that has been open to anything except the point of view of the Straight A's plan, we do not have the ability to debate that or other things.

I will also say to my friend from Missouri, one has to ask a question. He is talking about getting the capacity to the local people to be able to make the choices. If the local people were so thrilled with the proposal by the other side, why are they not supporting it? The only entity that I know of that is supporting the legislation proposed by the Republicans is the Heritage Foundation.

Mr. ASHCROFT. Will the Senator yield?

Mr. KERRY. I do not have time. Unfortunately, I am limited to 10 minutes now because of the time.

Mr. ASHCROFT. When the Senator asks a question of me, I would like to be able to respond.

Mr. KERRY. Mr. President, I am actually informing him at this point in time, not asking him a question. I am going to ask a rhetorical question because, again, I do not have the time. But the fact is, the local entities that make the decisions, the State school officers, the secondary and elementary school principals, the teachers, the education associations—all of those folks are the ones who are supportive of the Democratic alternative.

Second, I heard the Senator from Missouri say why is it that—I guess it was more than 50 percent of the people who work in schools are outside of the classroom?

That is because we do not have enough teachers for the numbers of kids in the classroom. When you have one teacher teaching 35 kids, you begin to change the proportion of who is working in the school system. I am confident my friend from Missouri does not intend to have a school system that does not have custodians, does not have janitors, does not have schoolbus drivers, does not have people working in the cafeterias. These are the people ''outside of the classroom.''

What we really need to face is the reason the proportion is out of whack, which is that we will need 2 million new teachers in America in the next 10 years. We will need a million of those teachers in the next 5 years. At the current pay level, without the capacity of the Federal Government to assist in reducing class size, it is going to be exceedingly difficult for the very districts in which the Federal Government got involved in education in the first place, which are poor districts, to ever be able to catch up.

I will ask another rhetorical question. If we are supposed to be giving control to the people who effectively have had control for all of these years, why is the school system in America doing so badly? We do not run it at the Federal level. We have never run it, nor are we asking to run it. We are trying to provide an incentive for communities, which have never bought into real reform, to buy into reform. If you look at the 1994 ESEA that we passed in a bipartisan fashion, you will see, as a result of that legislation, standards now being put in place across the country, whole school reforms being put into effect, a whole series of measures with respect to testing and improvements that are beginning to take hold.

Have they reached the level that everybody would like? The answer is no. But we would never have had to try to make that kind of broad-based effort at reform if, indeed, everything was working so well because the local decisionmakers were making the decisions that needed to be made.

Equally important, the Senator from Missouri was talking about raising the standards of schools.

I know in St. Louis or Kansas City, MO, there are poor schools. I know in Atlanta there are schools that depend on title I money to adequately provide a cushion for what their lack of a tax base provides. Poor communities do not have a big tax base. Since schools are funded by the property tax, they do not have the ability to put the money into the school system. That is precisely why the Federal Government became involved in 1965 in title I in the first place. The reason was to address the problems of communities that were disadvantaged.

Along comes this Republican bill with a provision called portability. I know the sponsors have spent a lot of time saying this is not a voucher, and the reason this is not a voucher is there is not a piece of paper that goes to the parent which they take to another school. The school district manages the money. But it is effectively a credit voucher. It is effectively an indirect voucher where a parent gets $400 to $600 of value for their child if they want to take them somewhere else for a different kind of schooling.

It sounds good and appealing, but it directly undermines the very concept that brought the Federal Government in the first place to help education, which is, if a school has a group of disadvantaged kids, by providing assistance based on the number of kids, on the conglomerate need of that community, we can help lift the school so the school can become a great school and teach those kids.

If we provide a per-disadvantaged-pupil stipend, what we will do is, in fact, reward kids who may be poor themselves but who go to a good school, a school that is not disadvantaged, that has an adequate tax base and does not at all need to have additional funding from the Federal Government. We will simultaneously have stripped away from a school that is struggling to be good the very heart of the money they need to make the difference and improve.

If we really wanted to help make a difference today, we would fully fund title I. That is the way we make a difference in what is happening to the schools that are not making it. We would do so in a way that set an order of priorities with respect to the key things we wanted to do.

I heard from the Senator from Missouri the mirror reflection of what we keep hearing from the other side. They keep saying: We do not want the Federal Government dictating how to approach this. The fact is, the Federal Government does not dictate that. It offers a specific menu. The schools can apply for the menu of money or not apply, as the case may be. If they think they need money for smaller class size, they can apply for that money, but nothing in the Federal budget orders a school to do that—nothing.

It is a concept completely out of any reality whatsoever for people to suggest there is somehow this long arm that is telling them precisely what to do. It is only suggesting the guidelines and constraints of what they have to do if they choose to do what has been established as a priority.

Surely we can all agree that after-school programs are a priority. Getting guns out of schools is a priority. Drug-free schools is a priority. Having adequate class size is a priority. Having better teachers is a priority. I do not understand why the Senate is incapable of agreeing on a set of top priorities that every school district in this country can name and then say we are going to find a way to hold them accountable, not after 5 years but next year, to see precisely how there is funding money with respect to that priority.

We are not going to tell them how to spend the money. We are not going to order them to spend the money. They can choose to do it or not do it, but we are going to at least guarantee that the country is going to spend its Federal dollars on those things that represent priorities of education.

This is hard for me to understand. The bill proposed by the Republicans has no accountability for 5 years at all, and for all this talk of telling us that we want the local people to make the decision, it plunks the entire pot of money in the hands of the Governors. That is not local decisionmaking; that is just playing to the politics of the State, and the people most powerful and with the greatest lobbying capacity will go back to the old order and the Federal priorities will be by the wayside.

We are somehow not connecting. It is the first time in all the years of this bill that there has been such a partisan bill and such a disconnect in an effort to meet the needs of our Nation.

I close by saying there was a terrific ex-general who was the superintendent of schools for 3 or 4 years in Seattle, from where the Senator from Washington came. He did an extraordinary job and was beloved by all. He said: There are no libertarians, no Republicans, no Democrats, no conservatives or liberals among the kids in our schools. We ought to get the ideology out of this process and put the kids first. If we do that, I am confidant we can have a solution.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield the Senator from Wyoming as much time as he may consume within our limits.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, today I rise in strong support of the original committee bill, the Educational Opportunities Act of 2000, which will reauthorize for another 5 years the Elementary and Secondary Education Act of 1965. We now call it ESEA.

I especially applaud my fellow members of the Health, Education, Labor, and Pensions Committee, particularly Senator JEFFORDS, and also Senator GREGG, Senator FRIST, Senator HUTCHINSON, and Senator COLLINS for their unusual dedication and the hours they spent working on this bill and working with every single member of the committee.

I congratulate the committee for constructing a bill that contains a new recipe of support for our children as they embark on their educational journey. I am very interested in this educational journey. My oldest daughter is a teacher in Gillette, WY, an outstanding teacher of English for seventh and ninth graders. She goes the extra mile every day to make a difference in these kids' lives. I want to do everything I can to help.

We are an education family. My wife has been involved in education. She just received her master's degree in adult education from the University of Wyoming by Internet while she was here in Washington with me. That is a major challenge, using some of the new technology in education in Wyoming today. It is what we can do to help kids, wherever they might be, to get a good education. That is the goal, and we do understand that goal, and we do work toward that goal.

Unfortunately, the pending amendment offered by the minority leader on behalf of his Democratic colleagues does not seek to address the real academic needs of our children. The amendment is virtually a mirror image of the status quo.

Earlier today, somebody said if the Republicans could not use the words ''status quo,'' we could not debate. In this instance, that would be true. The proposal does not reflect an investment in understanding where the Federal role in education has failed our children; therefore, the proposal lacks the payoff our children and parents are demanding, and that is a better education.

In fact, one of the only and certainly the most notable change included in the Democratic proposal eliminates funding for many small and rural schools under title IV, the safe and drug-free school section of ESEA—simply writing off communities that under current law receive grants that I have to admit are too small to fund any meaningful initiatives. It is not a productive solution. Our bill fixes that problem, instead of dismissing it, with a new rural flexibility initiative.

The other side of the aisle talks about their desire to get the money to the poor kids. On behalf of the Governors of this country, I have to object to some of the accusations made against them today. Education innovation has come from the Governors of this country. Their States have been the laboratories for this country.

We have used some of the things they have suggested, and they have worked. They are light years ahead of the Federal ESEA. They are the ones on which we rely. And we are saying, do not trust those Governors with any money?

In my State, we have State equalization that takes a whole bunch of these problems that have been laid out here and forces the rich districts to provide for the poor districts so every kid has an equal chance. We provide for that to be taken to court regularly to make sure it still meets all the guidelines of an equal education.

I have to tell you, ''equal'' refers to buildings, too. So when I hear some of these things about needing school construction, that is something that is being forced to happen in Wyoming so all kids have a good place to go to school. That was a Republican initiative by a Governor.

State accountability. Our State believes in measuring the achievement of the kids, knowing how the kids are doing. It isn't important for the district to know how the kids are doing; it is important for the parents to know how the kids are doing, so the parents can be more involved in the education of their kids. They even have report cards they send home that evaluate the whole school to see how the school is doing.

This substitute that has been laid down again is an unfortunate example of resistance to acknowledging and accommodating the differing needs among communities and schools.

Wyoming cannot be the only State that has a unique way of doing things, which is why I am so pleased that the underlying bill does reflect a fresh look at the Federal role in education. This is a priority issue for voters because they are concerned with our historic lack of concern for their specific needs. With this bill before us, we finally have the opportunity to honestly say we have listened and have moved away from the stalemate of entrenched Washington to the solutions of the future.

While the Federal Government does not hold all the answers, and certainly does not hold the purse strings for the bulk of education spending, there is a clear role for leadership and technical assistance as schools lead the way toward academic improvement for all children.

Right now, the Federal Government provides 7 percent of the money—just 7 percent of the money—in education and requires over 50 percent of the paperwork. Yes, to check on those funds that we give away, we inundate principals and teachers with tons of unproductive proof. Our bill requires less paperwork and makes it count. More could and should be done to reduce paperwork.

On this reauthorization we are talking about, everybody seems to agree we have a failed system out there, or at least one that definitely needs improvement. I hear that from the other side of the aisle. I have to say, the other side of the aisle was in the majority the last five times this bill was authorized. They settled for less than 7 percent of the funds and 50 percent of the paperwork. We tried it their way. Everyone has said we need change. The committee bill is change. Let's try it our way once.

Our bill essentially provides three options of Federal support for State and local education initiatives, as decided by local communities. The variation between States' economies, geography, student-body composition, and position on the ''academic achievement'' spectrum warrants an improvement in how the Federal Government can be most helpful to each State's unique needs.

For example, States that have a self-sufficient internal infrastructure through which they are able to provide local schools with high-quality technical assistance are not dependent on the Federal Department of Education for that kind of support. Those States have been wrestling with the regimented requirements the Federal programs currently demand, despite their ability to not only do it themselves, but for the States to do it better.

As a good-faith act of Federal leadership on education improvement, we need to accommodate and support the progress of States that has outgrown the 35-year-old model of ESEA. This is new and, therefore, untested ground. But isn't that what learning is? It is time for all of us to get educated and to make room for improvements and innovations in our kids' education.

So the first piece of the underlying bill is a demonstration program for up to 15 States to break from the title-by-title categorical programs under ESEA and develop new proposals for executing excellence in education.

While the 1994 reauthorization of ESEA tacked sharply in the direction of measuring what kids learn through the end of the day through standards and assessments rather than solely concentrating on how they are learning, this demonstration program,

called Straight A's, tests that model by allowing States to implement an education plan completely outside the current input requirements of ESEA. Again, though, the sharp distinction is that those States will be held accountable for high standards of student achievement in exchange for such freedom with Federal tax dollars.

The second option under the bill was developed in partnership with the National Governors' Association. In another new proposal for improving education, States will now be able to enter into education performance partnerships with the Federal Government. This program will require States to develop a plan similar to the Straight A's education and achievement plan to significantly increase student performance over a period of 5 years. The difference between this option and Straight A's, however, is that States will be required to maintain the targeting of title I to specifically serve the low-income and disadvantaged children those dollars were historically intended to help.

While I support the innovation, flexibility, and commitment to meaningful accountability those two new options represent, my home State of Wyoming is actually best served by the third piece of the bill. Under the third option, States can choose to remain under the existing categorical and title structure of the current law.

Make no mistake, there have been modernizations to the current law which are intended to make categorical programs do a better job of serving the unique needs of States. That is an improvement in the committee bill. I am sorry more was not done in further reducing the administrative burden associated with the Federal education funds, but I believe we did make substantial progress in leveling the playing field for small States and rural communities; their education needs are just as important as urban needs.

Most notably, the supercategorical program known as the Class Size Reduction Program—or 100,000 new teachers—was evaluating and appropriately authorized by the committee.

I need not remind everyone that the program, while funded over the last 2 years, was essentially an appropriations rider and had never been considered before the HELP Committee. Now the committee has assigned this program to its rightful place in ESEA. It is part of title VI, the innovative education title. This is the funding source States can use to accommodate existing needs for which there are no other or insufficient resources as well as to innovate outside the box of the other categorical titles under ESEA. If it is more professional development, more reading excellence initiatives, or a new teacher that a school needs, this is where they can fund it. If you cannot pay teachers enough to retain them, what good is another slot? We have a teacher shortage in this country. We have a shortage among many professionals, but the shortage that will affect our future the most is that of teachers.

For a small State such as Wyoming, which in the first year of the Class Size Reduction Program required a waiver because we could not even meet the consortia title—we had already met the requirements for class size reduction. We had provided another amendment that would allow you to group some of that under a waiver. We could not even meet that requirement for eligibility, so the committee version of ESEA makes good sense.

Also, a notable modernization of the current law approach is the new Rural Flex Initiative. To quote from the committee report:

> The purpose of this part is to provide adequate funding to rural school districts to enhance their ability to recruit and retain teachers, strengthen the quality of instruction, and improve student achievement.

The provision would allow rural school districts with enrollments of fewer than 600 kids to pull funds from titles II, IV, and VI to spend on local improvement initiatives that—and this is important—would enable the small schools to offer their kids programs and activities of sufficient size, scope, and quality to have a significant impact upon student and overall school performance.

In Wyoming, there is such a thing as qualifying for a $200 grant, based on current formulas, to run a drug prevention program. Well, $200 is not meaningful and it is not fair. So I applaud my fellow rural Senator from Maine, SUSAN COLLINS, for initiating this provision on behalf of all the kids in rural schools.

I have to spend just a moment explaining why, despite how good Straight A's and performance partnerships might be for some States, they are not quite the right fit for Wyoming. It is actually quite simple. Wyoming is small in population. We are the smallest population State in the Union, with the second largest relative land mass per person. My county is the same size as the State of Connecticut. That is just my county in Wyoming. The last census in that county, which is 110 miles by 60 miles, recorded a total of 33,000 people—two towns. The biggest one, which we call a city, had 22,000 people. The rest were spread over that huge geographical area.

Resources are scarce, and therefore we focus on the basics of education. Simply, there isn't the money, the infrastructure, or, necessarily, the inclination to get fancy. We even have single-child schools. We have driving compensation for parents willing to drive their kids to school because they are the only child on a bus route 60 miles one way. We have school districts with so few kids that the district superintendent teaches classes.

We are pioneers in compressed video classes to provide some variety in class offerings—but no teacher is in the room with the student. That is part of the State's charm and its integrity, but it also means that Wyoming utilizes and, in fact, relies upon technical assistance provided by the Federal Department of Education. That is still in here. We don't want the same kind of education that Massachusetts provides. We know our kids can be as well educated but not the same way as the kids in California. I can assure you we don't want somebody in Washington, DC, deciding how we will do things. When you take away the titles under current law, you also take away the technical assistance that goes with them. To be clear, Wyoming hates the paperwork and the bureaucracy as much as I do. But while we are making progress on getting that in check, we cannot throw out the baby with the bath water. Whether it be manuals, guidelines, protocols, research-based models on teaching methods, or the human resources that are the good side of Federal assistance in educating our kids, Wyoming is using it.

About 5 years ago, Wyoming gathered its stakeholders in education, from parents and teachers to administrators and legislators, and they developed a plan to bring our kids to the top of the charts. A new system for reporting to parents on statewide, school-by-school progress is up and running. While it is a rocky road, new, challenging, State content standards are near completion with assessment mechanisms soon to follow. It takes a while to develop those, particularly in a small State. You can't say: Wyoming, have it next month or next year, without providing unusually large dollars to do it. It has been no small task to get where we are and it has been, in part, predicated on Federal resources available through the current structure of ESEA. I am not willing to pull the rug out from under my constituents when the light is right there at the end of the tunnel.

That is why I am enthusiastic about the options this bill contains. It is a different way for everybody to do different things and make sure their kids are educated. While I don't want to set back Wyoming's efforts by ignoring current law—with improvements—as a viable option for States, I also don't want to impose on States that can do it better another way the structured method of current law.

Earlier, there were some comments about Ed-Flex. I have to take on a couple of those. I have heard a number of my colleagues contend that since only a few States have applied for Ed-Flex so far, additional flexibility is not needed or wanted.

Fifty Governors signed a letter asking for Ed-Flex. Now, with regard to Ed-Flex guidance, it wasn't even issued by the Department of Education and sent to the States until November of 1999. The bill, as passed, was only 17 pages when the President signed it into law on April 29, 1999.

According to State education agencies, the Federal Government has complete control over the application process and the State must tailor its application to the Department's guidelines and expectations. Even the Department of Education wrote in a May 1999 memo:

> States are strongly encouraged to refer to the guidance before submitting their Ed-Flex applications to the Department.

In addition to the guidance issue, officials at the Department of Education have informed the Nation's Governors that contrary to both their own guidance and the Ed-Flex law, written along with Senator RON WYDEN of Oregon, they will only approve applications for States that are in compliance with title I requirements. The law, and the Department's guidance, allow a State to participate if it has made substantial progress toward meeting the requirements under title I—substantial progress.

Despite these rather significant hurdles, a number of States, including Tennessee, Pennsylvania, Delaware, and others, have been working on their applications for months. Tennessee submitted its application in early April. North Carolina has also submitted its application.

When Congress passed Ed-Flex, we did not expect every State to take advantage of the new law, but we did think it was important that every State be afforded the opportunity to utilize the flexibility available under the law to support innovation and cut through Federal redtape.

The Senate is currently considering several other proposals for increased flexibility that will be available to States, at their option. Because every State will not choose to participate, however, does not mean the policy is unnecessary or a failure. Some States will choose to utilize the new authorities and some will not, but all States should have the opportunity. The Federal Government should not stand in the way of States that want to innovate and reform to meet the specific needs of their own children.

I remind you again that the States have been the laboratories for innovation, not the Federal Government. The bottom line here is accommodating success in every State for every child. I think that is a tall order, but I think we have filled it with the committee bill. The opponents of choice and innovation do not have a healthy understanding of our role. I suggest that everyone look out across the country, and then look in their backyard and, only then, come here and argue that there is no variation needed for our children. I won't assume to argue against the needs of any other community. I simply ask the same of my colleagues. I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Washington.

Mrs. MURRAY. I yield 8 minutes to the Senator from Rhode Island.

Mr. REED. Mr. President, I come, first, to say how I am strongly in support of the Democratic alternative. It does represent what is the appropriate response by the Federal Government to educational policy in the United States; that is, to find specific ways in which we can help local schools and State systems improve education, with a particular concentration on low-income students. That has been the emphasis in Federal education policy since 1965. It is an emphasis that is being severely diluted by the Republican proposal.

In this substitute, there are provisions for strong parental involvement. In contrast, the Republican bill says very little about parental involvement and again leaves it to the States. It provides funds for specific programs that used to be part and parcel of Federal education policy, such as funds for libraries. But because of the inclusion of block grants, we have seen those funds withered away. As a result, our library selections in schools are abysmal and anachronistic. It also provides real accountability for results.

This is another issue that I think distinguishes our proposal from the Republican proposal. There is talk about accountability in the Republican proposal but no real accountability. It states that the Governors get to select the standards they want to use to measure their progress. It is only after 3 or 4 or 5 years that there is any real examination of what is going on.

At the end of that time, the idea that a Secretary of Education—any Secretary of Education—would take away all the funds or a significant number of funds from a State is, to me, somewhat attenuated. But, in addition, because the criteria for such Secretarial action is so vague and amorphous, there would be very little legal justification to do something such as that.

In effect, the accountability provisions are really not accountability provisions. In the last reauthorization in 1994, and in Goals 2000 of that same year, I fought for very tough accountability standards—accountability not only for the student performance but also for the resources going into schools. We fought back and forth, and the opposition, particularly of the Republicans, was vehement. We managed through compromise to come up with provisions that were included in the legislation. But in 1995, with the advent of the Republican Congress, those tough accountability provisions were quickly stricken from the legislative record. As a result, this accountability issue suggests, with respect to the Republican proposals, that it is more superficial than substantive.

We, alternatively, also have provisions to help professional development because we recognize that this is not only a local problem; this is a national problem, and we want to help States and localities. They are the key guardians of access to the classrooms and teachers. We want to help them improve professional development.

We have language with respect to safe schools and afterschool programs that are targeted to specific programs that are going to aid the overall mission of States and localities.

The proposals that are emanating from the Republican side move away from the core principle of involving the Federal Government in the first place in elementary and secondary education, and to help disadvantaged children who were systematically and consciously neglected by States and localities. That was the record up to 1965. They moved away from that. Now the approach is that we want to give the States the money to do that without respect, really, to an emphasis on education, and we want to give the States this money because the school systems of America are failing.

Frankly, if the school systems of America are failing, if that is the premise of the legislation, you have to ask yourself who is in charge of this failing school system? Frankly, it is the Governors, the mayors, and the schools throughout this country. The Federal Government contributes about 7 percent of resources; 93 percent of the resources are provided by States and localities.

One of the most decisive factors of educational policy in the United States has nothing to do with Washington. It is reliance on the property taxes, exclusively a local idea. It is exclusively a local initiative. Teachers who go into the classroom are not certified by any Federal agency. They are certified by States and localities. School construction is controlled by States and localities. These are decisive factors that influence policy in the country. If you presume that we are here today changing our system because education is failing, why in God's name are you simply going to give the money without conditions to the people who are presiding over this?

I don't think we are speaking about educational failure. We are speaking about some limited progress over the last several years as a result of some Federal initiatives. But, frankly, because of lots of local initiatives, because there is a partnership now between States, localities, and the Federal Government with respect to many programs of innovation, starting with Goals 2000 and embedded in the 1994 reauthorization of the Elementary and Secondary Education Act—in fact, searching for a metaphor to try to capture what I think the other side is suggesting, it seems to me, if you were a police officer proceeding on a highway and you saw an automobile careening out of control, recklessly driven, violating the rules, failing to abide by the standards we expect for driving, and you pulled that car over, went up, looked in, and saw a driver and someone in the backseat, then you turned to the backseat driver, and said, you caused of all of this, that is essentially what the Federal Government has been doing in some respects.

Yes, we are part of this voyage, if you will, of educational policy. But with 7 percent of the effort, with a limited role, we are, at best, backseat drivers. No one would suggest that the reason the car is failing to operate properly is because of who is in the backseat. It is who is doing the driving; that is, the States and localities.

Our approach is to recognize that they are, in fact, in control; that we can collaborate with them; that we can, in fact, provide resources in areas where they either don't do it or do it insufficiently.

That is the heart of what we are talking about today—to build on the very real progress we have made over the last several years but recognizing that this progress is insufficient.

I urge that we get back to the business of proper Federal educational policy, supporting innovation where it works, overcoming inertia where it hobbles education reform, specifically targeted ways in which we can help localities improve the quality of education for all of our systems with a particular emphasis on disadvantaged American students who need more than what they get without the Federal support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, the one thing that is certain is that every Member of this Chamber is committed to improving public education in America. In America, we differ on how to accomplish that goal.

Over the years, we have enacted Federal program after Federal program. There are dozens of Federal programs on the books, all in the hope of narrowing the gap in achievement between low-income students and high-income students. All of us want to narrow that achievement gap.

Each and every person here is committed to providing an equal educational opportunity to every child in America. But we have to look at the record. We have to look at the facts. When we evaluate in what direction we should go, we have to look at from where we have come.

The fact is that after 35 years and $120 billion spent on Federal education programs aimed at the disadvantaged, we have not achieved the goal of ensuring that children in high-poverty schools receive a good education. We know that children from poor families have just as many brains as children from wealthier families. We know that they have all the ability in the world. This is not about aptitude. It is not about the ability of these children. The debate is whether or not our current education system has served them well. The evidence suggests overwhelmingly that in too many cases our schools are failing these children.

Let's look at the statistics. Seventy percent of children in high-poverty schools scored below even the most basic level of reading. Seventy percent have disadvantaged children that are unlikely to graduate from high school if they are in high-poverty schools in the inner cities. Children in high-poverty schools score two grade levels below their peers in high-income schools when it comes to math and three grade levels when it comes to reading.

Again, the problem is not a lack of ability. These children have all the ability in the world. The problem is that we are not meeting their needs.

We can continue down the path we followed during the past 35 years—a path paved with good intentions but not producing good results.

We can try a new approach. We can try to be innovative. We can get away from the ''Washington knows best'' approach, and empower local school boards, teachers, and parents to work together with State education officials to make a real difference in the lives of these children. That is what our Republican bill would do.

I point out again that no State is forced to accept the increased flexibility in designing programs using Federal funds. If a State is content with the status quo, if a State believes that its schools are delivering the best education possible, it can continue with the status quo. It can continue along the path of receiving Federal funds, attached with Federal strings, attached with paperwork, and tied up with redtape. If that works fine with a State, then a State can continue with that system.

But a second alternative is for a State to enter into what is known as a performance partnership.

Under this approach, a State would have more flexibility in spending Federal dollars and can consolidate some Federal programs as long as the State can show improved student achievement.

Under the third and most innovative approach, 15 States would be allowed to participate in what is known as the Straight A's Program. Under Straight A's, a State would have great flexibility in combining Federal funds to meet whatever is the greatest need of that community.

The needs differ from community to community. One community may need to hire more math teachers. Another may need to concentrate on improving reading skills. Still a third may need to upgrade the science labs. The needs are not identical from community to community. Straight A's recognizes this and would allow a State to choose to consolidate Federal funds to meet the greatest need of that community. That is what this debate is about. It is about trying a new approach that could help ensure a brighter future for the disadvantaged children of America. That is our goal.

I yield the floor.

Mrs. MURRAY. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Washington has 32 minutes and the Senator from Georgia has 6 minutes.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from Washington not only for yielding the time but for her leadership on this issue. I am so proud of the package that she and the Senator from Massachusetts have put together under the sponsorship of our minority leader, the Senator from South Dakota.

I think this debate is one of the most important debates we will have on the floor of the Senate. It is the issue of education about which we probably need to do the most. America is in very good shape overall, but the greatest trouble spot on the horizon is the fact our educational system is not up to snuff. You can't be the No. 1 economy with the No. 15 educational system in the world.

This debate presents two stark choices. The Republican bill, S. 2, basically revolves—and I use the word advisedly—around block grants, vouchers, and an alternative approach, which I am proud to have worked on with my colleagues on this side of the aisle. Again, I want to particularly salute my colleague from Massachusetts and my colleague from Washington for their leadership, as well as my colleagues from New Mexico, Iowa, and Connecticut, who worked on this so diligently.

The block grant approach is a two-way street of folly. From the congressional standpoint, it is an abdication of responsibility. We send blank checks to the State and wash our hands of the educational crisis. Waste always accompanies block grants. We learned this in area after area when we gave the money to local politicians who had not done a good job. It is also enthusiastically contradictory. My colleagues on the other side say our system isn't good enough. It has been in the control of local school boards.

What are we doing? We are giving more money to local school boards, no strings attached.

If you think our educational situation is in great shape and needs a little more money, you do a block grant. I, for one, don't think just giving a little bit more money to the status quo is going to improve our system. Block grants are an abdication of our responsibility to set national goals and figure out what programs work. When we separate the taxing authority from the spending authority, as in a block grant, unless you have some restrictions, it is a formula for waste because it is free money.

I am utterly amazed my conservative friends on that side of the aisle are for a fundamentally profligate concept—free money, no taxing authority, no strings attached, do what you want.

The issue is not the Federal Government dictating in a block grant because we are not dictating. If you don't

want the money, you don't have to take it. If you don't want to improve teacher quality, don't take the money. I agree with some on the other side that we have had too many mandates. But we are not mandating here. There is not a mandate at all.

To say the National Government, which has the responsibility of leading us into the 21st century, should not set any goals—and again, give money to the very local districts we are criticizing for not doing a good enough job—no strings attached, to me is utterly devoid of reason.

I ask my colleagues on the other side of the aisle and some on this side of the aisle to examine the principle of block grant. Don't let your anger at Federal control, which in some cases, in my judgment, is justified, mar your ability to see that a block grant makes no sense. It is an abdication of accountability.

My colleagues have talked very well about the 5 years of complete freedom to do what you want. The result is flawed because States only have to demonstrate statewide performance, effectively allowing States to ignore failing schools. We focus on a few schools that excel and bolster the State average.

Under this proposal, States could use Federal funds for any educational purpose under State law. As we discussed during yesterday's debate, what was then a title I State block grant of 1965, studies demonstrate educational purposes can be band uniforms, swimming pools, sewage disposal. I talked about that last night and won't go through those arguments again.

If my colleagues like block grants, they would be better off going by conservative principles and not having the block grant but reducing taxes by that amount. I, for one, don't like separating the taxing authority from the spending authority. That is as conservative a principle as we are going to get.

Fortunately, we don't have to go down the path of a block grant. The Democratic alternative targets scarce Federal dollars to the Nation's most important priorities: Teacher quality, high standards for our children, accountability for students in school performance, safe and modernized schools, smaller class size, technology, and parental involvement. Under our proposal, schools would be required to ensure that all students meet or exceed State proficiency standards within 10 years. We prevent States from masking an achievement gap by requiring schools to determine academic progress by using disaggregated student performance data.

Under our proposal, we build 6,000 new centers, giving 1.6 million school-age children access to before-school and after-school programs. Under our proposal—this is the part I will dwell on because the Senator from Massachusetts has enabled me to play a little bit of a role in this, along with the other proposals—we recognize the urgent and vital need to have a qualified teacher in every classroom. We guarantee funds to communities to recruit qualified teachers. That is the greatest crisis, in my judgment, that education faces.

Last night, I mentioned on the floor more than half the teachers will retire in the next 15 years. For math and science, even in affluent districts, we have a great deal of trouble finding teachers now. If we could only accomplish one thing, if we could make only one change to our schools to raise quality, in my judgment, it would be to improve the quality of our teachers, make the teaching profession more attractive to young people and mid-career professionals alike.

In the past, we were able to attract teachers of high quality because we had set cohorts of people who went into teaching. Depression babies in the 1930s and 1940s wanted a secure, if not a well-paying job; women in the 1950s and 1960s who had no other opportunities, and in the late 1960s and early 1970s, my generation, had young men who went into teaching because they were given draft preference.

Today, however, to choose to teach is to choose to sacrifice, at least economically, as fulfilling a job as teaching is. Teacher salaries could not compare with other possible options facing college graduates. Over the past 4 years, salary offers for college graduates in all fields have grown at twice the rate of those for new teachers. Computer programming, $44,000; accounting, $37,000—these are starting salaries—market research, $34,000; a paralegal, $45,000; teaching, $26,769.

For the millions of young men and women who would consider the idealistic profession of teaching young people—I have done it, not as a professional, but when I have been invited as an elected professional to teach eighth grade social studies in Cunningham Junior High school or 12th grade American History in Madison.

Just one other point on the teacher crisis. We face a teacher shortage of 750,000 teachers. One-third of the Nation's teachers are eligible to retire in the next 5 years. The largest number of teachers is about 49 years old through 55 years old. We desperately need new teachers.

I have been working on a program, which is included in this alternative, to address the shortage and quality concerns through a teacher scholarship program: Inviting New Scholars to Participate In Renewing Education, called INSPIRE, a brilliant work of an acronym by my staff.

Under this proposal, the federal government would pay 80 percent of the costs of awarding annual INSPIRE scholarships to highly qualified high school seniors, undergraduate students and college graduates/mid careers interested in committing to teach.

In exchange for having educational expenses (either college, graduate school or an alternative certification program) paid for, awardees would commit to obtain teacher licensing and agree to teach in a ''high need'' area—those regions with high poverty and a high number of uncertified teachers.

My proposal would require new teachers to have an academic or work related concentration in the subject in which they intend to teach. When so much is riding on a teacher's ability and mastery, it is unacceptable that one-fourth of the math and science teachers in 1998 had not majored in the field they were teaching.

The deal would be one year for every $5,000 in assistance received. The awards would not exceed $20,000 and a portion of the scholarships would be reserved for shortage subject areas, such as math, science and special education. The total federal contribution would be $500 million over five years.

Some states are already leading the way; Massachusetts runs a Tomorrow Teachers Scholarship Program, Mississippi supports a Critical Needs Scholarship Program. States are innovating in a time of great need. Federal dollars should be used to replicate this on a broader scale.

In addition, my amendment also provides local districts money to set up mentoring programs for new teachers. $250 million over five years to ensure that the best local teachers will be trained to evaluate and guide new teachers during their first critical years in the classroom.

We want to attract qualified, motivated, committed new teachers and provide them the resources to stay teaching.

Currently, only 12 states pay veteran teachers to be mentors. We've just got to do better than that.

So, the choice seems to me to be simple. Do we provide federal dollars to do the hard work of ensuring quality, standards, accountability? Or do we just walk away? I think the answer is just as simple.

Mrs. MURRAY. Mr. President, how much time remains on the Democratic side?

The PRESIDING OFFICER. Twenty minutes.

Mrs. MURRAY. Mr. President, I yield 8 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the issue before us really is whether or not we are going to change gears on education. The Republican bill changes gears in reverse. It puts us in reverse. The Democratic alternative offered by Senator DASCHLE puts us in a forward gear and moves us ahead into the 21st century.

I want to cover basically one issue that is encompassed in the Democratic alternative. If that alternative is not adopted—I assume by the party-line votes that are being held on education this year it probably will not be—I will be offering an amendment, hopefully tomorrow or the day thereafter, on an issue about which the American people are really concerned when it comes to

elementary and secondary education. That is the issue of our crumbling schools and what is going to be done about them. USA Today the other day pointed out that 89 percent of the American people ranked education as the most important issue. That is why this debate is so important and why the elementary and secondary education bill is so important.

When you talk to the American people about what their concerns are, they talk about things such as smaller class sizes, better qualified teachers, better paid teachers, better accountability—all the issues we talk about in our alternative. But the one that comes up every single time is the state of our schools, how bad they are and how they are crumbling down around us.

Two years ago, in 1998, the American Society of Civil Engineers—not a political body—issued a report card on the status of our physical infrastructure in this country: The roads, the bridges, mass transit, aviation, waste water, dams, solid waste, and schools. Schools was the only one to receive an F. It is the worst part of our physical infrastructure in America according to the American Society of Civil Engineers. Three out of four, 74 percent, of our schools were built before 1970. Here it is right here; 74 percent were built before 1970. Half our schools were built over 40 years ago.

You have to wonder. When the nicest things our kids see as they are growing up are shopping malls, movie theaters, and sports arenas, and the worst things they see are the public schools, you have to wonder what kind of message we are sending to them about the value we really place on their education.

We have had, in the Elementary and Secondary Education Act, since 1994, title XII. That was put in with bipartisan support, I might add, in 1994, to provide for grants to local school districts to repair, rebuild, and modernize their schools. I have been fighting on this issue for 7 years. Finally we had gotten the attention that this was a national problem—not just a local problem, a national problem. It is national because in some of the poorest school districts where they do not have the tax base to raise the local revenues, that is where you have the real problems. So it is a national issue, not just a local issue.

It is one where we can help local school districts without being involved in curriculum or taking over local control. This has nothing to do with that. I will tell you this: If you talk to local property taxpayers in any school district, talk about how burdened they are, and ask them if they want another increase in their property taxes to rebuild and modernize their crumbling schools, they will tell you they cannot do it. That is why it is a national problem and needs a national answer.

We had title XII and guess what. When we finally got the bill to our committee, title XII had been struck, just done away with. That is what we were faced with—no more title XII, no more authorization to provide grants to schools, while at the same time President Clinton sends the budget down earlier this year and there is $1.3 billion in the President's budget for grants to our local schools to rebuild and modernize.

The President requested $1.3 billion, and the Republican bill we have before us strikes the authorization to allow us to do that.

So I will tell you, at about this time President Clinton is in Davenport, IA, to continue his push for legislation to modernize our crumbling schools. But the pending bill cuts that effort off at the knees by repealing title XII. The amendment we have before us, the Daschle amendment, reauthorizes and amends title XII. It authorizes $1.3 billion to make grants and zero-interest loans to enable public schools to make urgent repairs, to fix the leaking roofs, repair the electrical wiring, or fix fire code violations.

What I am about to tell you has happened in the State of Iowa I am sure is true in almost every State in this Nation. The Iowa State Fire Marshal reported that fires in Iowa schools have increased fivefold over the past several years. Why is that? Because they are old schools. The wiring is old. They are catching on fire. It is true in every State in the country.

Here is something else. I say this to my friend from New York. Most people say this cannot be so, but it is so. Twenty-five percent of the schools in New York City are still heated by coal. One out of every four public schools in New York City is heated by coal. Talk about old fashioned. Talk about the need to modernize and upgrade.

In closing, we have a lot of needs for elementary and secondary education, but one need that must be met on a national basis is fixing, repairing, and modernizing our crumbling schools. The Daschle amendment does that. That is why it needs to be supported.

If the substitute amendment is not adopted, I will be back with an amendment to amend title XII to provide the $1.3 billion President Clinton asked for in his budget. Our local school districts need this national help.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Massachusetts. As I do so, I thank him for his tremendous leadership on our side on the issue of education and making sure all children, no matter where they are in this country, have the opportunity to learn. It is represented in this amendment which he has had such an incredible part in drafting. I thank him for that. I yield him 10 minutes.

Mr. KENNEDY. Mr. President, I thank my good friend, the Senator from Washington, for her comments. I yield myself 8 minutes. We are going to have two votes in about 20 minutes.

In closing this debate, I want to ensure my colleagues in the Senate fully understand the amendment offered by the Senator from Washington, Mr. GORTON. I certainly understand it was written to ensure that the Straight A's provision cannot be used to divert funds for private school vouchers. The Office of General Counsel at the Department of Education has reviewed the language and informs me they are concerned that, because of the convoluted approach this language takes, it would be very difficult to sustain in court an interpretation that vouchers are prohibited by the amendment.

Quite frankly, a direct prohibition in this amendment could have resolved that concern. For that same reason, the author of the amendment chose not to do so. The underlying bill, through its child-centered program, also known as portability, clearly authorizes the use of funds for what are, in effect, private school vouchers.

The amendment offered by the Senator from Washington does not purport to change that program at all. Therefore, notwithstanding any interpretation of the amendment on which we are about to vote, we would continue, according to the general counsel's belief, to have a private school voucher program.

I believe it is probably marginally better in terms of reducing the possibilities of a voucher than exists in the bill. I urge my colleagues, even with this hesitation, to support the amendment.

For the last few minutes, I will go back to the comparison of the accountability provisions of S. 2 and the Daschle bill. I will mention seven different areas. I want the attention of those on the other side so they can address it, which they did not do over the course of this day.

Must States dedicate funds specifically for turning around failing schools?

Under S. 2, the answer is no. Under the Daschle proposal, the answer is yes. Under title I, they have to allocate 3 percent in the years 2001 and 2002 and 5 percent for every year after so there will be funds available in the States to turn around failing schools. Our answer is yes; their answer is no.

Must schools show annual gains in student performance?

The answer for S. 2 is no. In our legislation, the answer is yes, States have a period of time to reach proficiency in 10 years for all children, but they have to define how they are going to get there. We let them do it, but they must meet the benchmarks along the way. We define it and hold States accountable; they do not.

Is there any assurance of real accountability? Do failing schools face any real consequences?

As we have pointed out time and again, there is virtually no accountability for the first 5 years under S. 2. The answer to that is no. Under the Daschle bill, after 2 years, there has to be changes that the schools will take part in or otherwise, after the 4 years,

the whole governance of that school will be replaced. There are funds for that, and there is the commitment spelled out in our legislation to do it.

Is accountability based on the performance of all students, including poor children and limited-English-proficient children? The answer under S. 2 is no. The State can choose what children—this is the unbelievable part. I reviewed this in the RECORD yesterday. Under S. 2 requirements, they can select or choose which children they are going to put in the aggregation to report back to the Secretary of Education. It is a shell game.

Under the Daschle bill, there is a requirement for disaggregation not only in school districts but in schools on race and income, so we will know actually what school, not what school district, not just a general area, but we will know that every single year this legislation is in place.

Do schools and districts face consequences if they fail to help poor children, minority children, and limited-English-proficient children learn to high standards?

The answer under the Republican bill is no; under ours it is yes, for the reasons I have identified.

Is there a sensible requirement enabling students in failing schools to transfer to higher-quality schools?

The answer in the Republican bill is virtually no. They can use the whole amount of money for transportation. We challenge them. Show us where the limitation is. It is not there. We put the limitation cap at 10 percent.

Finally, must States help migrant children, delinquent or neglected children or homeless children reach high standards?

Under S. 2, no, they effectively abolish the homeless program, the immigrant program, and the migratory programs. We protect those.

If they are looking for accountability—and we have heard those words from the other side all day long today, ''We want accountability''—they have to answer those questions. They have not answered them. They did not answer them in their opening statements when they presented this issue, and they refuse to respond to the challenges that Senator BINGAMAN and everyone on this side has posed to them.

Republicans want a blank check that is a stamp of approval on the status quo. It gives a blank check to the Governors and does not require anything to change. The Democrat's substitute cancels the blank check and instead provides parents a guarantee of better results for kids. It guarantees accountability for results, as I have spelled out—a qualified teacher in every classroom, as was pointed out earlier in the debate, smaller class size, as Senator MURRAY has pointed out, modern and safe schools, as Senator HARKIN and others have pointed out, and strong parental involvement, as Senator REED from Rhode Island has pointed out. All of this has been included in our alternative. That is a Marshall Plan for change, and I urge my colleagues to support it. I yield back the remainder of the time.

Mr. JEFFORDS. Mr. President, how much time does the majority have?

The PRESIDING OFFICER. The majority has 6 minutes, and the minority has 4 minutes.

Mr. JEFFORDS. Mr. President, I join my colleague from Massachusetts in urging everyone to vote for the Gorton amendment. However, I urge them to vote no on the Daschle amendment. The distinguished minority leader has offered objections to S. 2, and we agree that it is not perfect, but S. 2 does ensure that the Federal Government provides leadership and support in areas where there is a critical need for help.

These areas include title I, education for the disadvantaged; safe and drug-free schools; bilingual education; and education technology, to name a few.

S. 2 maintains and strengthens the title I reform process begun in 1994 with the enactment of the last ESEA reauthorization which required the establishment of high standards and the development and implementation of assessments designed to measure progress towards those standards.

The deadline for adopting standards was 1998, and the deadline for adopting assessments is in the school year 2001–2002.

A bipartisan group of educators, known as the Independent Review Panel, which was created under the 1994 law to review federally funded elementary and secondary education programs, said in their report, released last year, that standards driven reform should be given a chance to fully take hold while the Nation continues to assess progress in student performance.

S. 2 enhances the title I reform process by providing a separate funding stream within title I which will provide dollars to those schools that need improvement and also provides funding to States so that States may develop the assessments they need to have in place by next year.

Title II of the bill provides clear Federal leadership and support for investments in teacher quality. It builds upon our national commitment to professional development. Yet, it does so in a commonsense way that allows school districts to create the recipe that works for their schools and their communities to improve opportunities for teachers. It provides a list of activities that school districts can choose from in an effort to improve the quality of the teachers in the classroom. The bill encourages funds to be used for recruiting and hiring teachers, mentoring programs, programs and partnerships to keep good teachers in the profession, and professional development programs that will have a positive impact on teaching and learning in the classroom.

In addition, S. 2 includes a new program to develop and strengthen the leadership skills of teachers, principals, and superintendents.

This bill also improves the Safe and Drug Free Schools Program by increasing accountability. While requiring that Safe and Drug Free money be used for effective programs, S. 2 also gives States and local school districts enough flexibility to design programs that will prevent violence and drug use.

The bill provides Federal leadership and significant Federal funding for education technology. The current education technology programs have made a significant difference in fostering the effective integration of technology into the curriculum. The programs authorized under S. 2 build upon the strengths of the current law and enhance the educational opportunities in technology available to teachers and students across the country. S. 2 preserves an important role for the Federal Government in education technology. It includes a number of changes offered by Senators from the other side of the aisle which, in my view, improve and strengthen the education technology provisions in the underlying bill. The education technology program is a good one—it should not be abandoned by adopting the Senator Daschle amendment.

This bill also improves bilingual education. Recently, rural communities throughout this Nation have seen tremendous growth in the bilingual student population. S. 2 includes provisions that will enable these rural communities to receive funds from this program. At the same time, ensuring that the large urban centers continue to be eligible for Bilingual Program grants.

S. 2 includes a new flexibility initiative included in Title VI which is based on Senator COLLINS' Rural Education Initiative Act. The purpose of this program is to provide adequate funding to rural schools to enhance their ability to strengthen the quality of instruction and improve student achievement and student performance. Through flexibility provisions and a supplemental grant program, rural school districts will have the ability to maximize their resources for implementation of education reform strategies. The amendment offered by my colleagues on the other side does not have this authority and it is a provision that will provide a significant benefit to the rural communities of this Nation.

In conclusion, I urge my colleagues to reject the substitute and work together to make improvements to S. 2 in an effort to arrive at a bipartisan product that will make a positive difference in the lives of all of our Nation's students and educators.

I urge Senators to vote yes on the Gorton amendment and no on the Daschle substitute.

I yield the floor.

The PRESIDING OFFICER. The remaining time is under the control of the Senator from Washington.

Mrs. MURRAY. I thank the Chair.

Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mrs. MURRAY. Mr. President, I yield the remaining debate time to the Democratic leader, who has done an outstanding job in putting together an amendment that really reflects the values of the Democrats and ensures that all of our children, no matter who they are, get a quality education.

I thank the Democratic leader and yield him our time.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I thank my colleague from Washington for her leadership on this issue, and particularly on the issue of class size, and all of the work that she has done to get us to this point.

Mr. President, I will use whatever additional time I need out of my leader allotment to finish my remarks.

Let me begin by complimenting the distinguished chairman and manager on the other side for the manner in which he has closed the debate.

There is no one who has worked on a more bipartisan basis on so many issues than has he. I respect him and appreciate the tone that he has set, once again, in calling for bipartisanship. I guess the irony is that we find ourselves, in spite of his desire for bipartisanship, at a point where we have very little of it.

I am as disappointed as he is that in committee, after more than a year's worth of work, the document the committee had been using, the work they had been constructing was shelved in favor of a very partisan approach to the Federal role in education for the next 6 years through ESEA.

I know, I am sure—I do not know—I am sure that he shares my disappointment that the kind of bipartisan tradition we have had in drafting this legislation over 35 years was not represented in the final vote during the markup of the ESEA in committee. So his call for bipartisanship, I know, on his part is genuine.

I am disappointed it was not reflected in the actions taken by the committee. I am disappointed that it does not reflect our current status on the Senate floor. As a result, I am really disappointed that we are relegated now to offering a Democratic substitute, when we could have worked on a bipartisan bill that would have allowed both parties to claim achievement and some success, and the confidence that we are doing the right thing in addressing education at the Federal level.

I thank all of my colleagues for the extraordinary effort they have made to bring us to this point within my caucus. I have mentioned Senator MURRAY. I thank, first and foremost, Senator KENNEDY, for all the work he has done as our ranking member. I thank Senator DODD and all of the members of the HELP Committee. But I must say, all of our colleagues—Senator LIEBERMAN, and others—have joined with us in an effort to make this the very best proposal we could make.

I believe we have achieved that. I believe there is a lot more we can do. But given our circumstances, given where we are, I believe this represents the finest opportunity that we will be able to construct to ensure that for the next 6 years, during this ESEA authorization, we build upon the things that have worked, change the things that have not. We as we acknowledge the report card that still stands in the back of this Chamber—the report card by the American Society of Civil Engineers issued just a little more than a year ago—as we look at our infrastructure, in all of its different facets, as we determine what is working and what is not, we can say, with some authority and with some absolute certainty that too many of our schools are failing when it comes to the infrastructure.

We are getting poor results. We are not doing what we should in large measure because we have not made the commitment in infrastructure that we must make in education. So they gave schools an F. So we are faced with that reality, that we can do a better job.

We are faced really with two choices. One choice is to say: Let's take those tools. Let's assure that those things we know are working can be built upon, and that we can provide the kind of leadership and be the catalyst we know we can be in improving teacher quality, in improving accountability, in reducing class size, in ensuring there is more technology in all schools, and to make sure there is more parental involvement—taking all of those things that school boards and parents and teachers and school officials tell us we have to do a better job on. We can work to improve those specific areas with the knowledge it is going to take resources. We can do that. That is what the Democratic substitute does do.

On the other hand, we can do what we attempted to do back in 1981, in the name of flexibility, in the name of local control. Ironically, we created a blank-check approach that, I believe, has been an abysmal failure—a failure in terms of the kind of commitment to that approach, represented in real dollars, now cut by more than half since the legislation was passed, an approach that probably is far more bureaucratic, when you think about it. We go from the people administering the program at the Federal level through the people administering the program at the State level, to the people administering the program at the city or school district level, to the people administering the program in the schools themselves. That is the Republican approach. That is the blank check. If that isn't bureaucratic, I don't know what is.

What we say is, if you really want local control, if you want to ensure that the maximum number of dollars get right into the school, bypass all of that and you will directly affect the school and provide the resources. That is what we say you should do. That is what our substitute does. That is real local control. That is providing the resources in the place where it can do the most good, without all of the bureaucratic hurdles, without all of the money going from here to the State capital, to the county, to the city, to the school district, to the school. We should not have to do that.

So I find a real irony in this local control argument used by some on the other side. I will say that I am hopeful, in spite of the history over the last several days—a somewhat partisan approach to this debate—we can actually reach some sort of a bipartisan consensus before the end of the debate. I am hopeful, as the chairman has indicated, that there is yet some opportunity for us to reach across the aisle. This is our best hope in doing that. We know all of the things that we are suggesting have enjoyed bipartisan support in the past. These have not been partisan issues. There is no reason why now it must be. So we offer this amendment in good faith, hoping that our Republican colleagues will join us in building on the success of the past and ensuring that we really have local control, in recognizing the educational tools that can be of extraordinary benefit to students and teachers all over this country. That is what this amendment is about, and I urge its adoption.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 3110. The yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Delaware (Mr. ROTH) are necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—98

Abraham	Coverdell	Helms
Akaka	Craig	Hollings
Allard	Crapo	Hutchinson
Ashcroft	Daschle	Hutchison
Baucus	DeWine	Inhofe
Bayh	Dodd	Inouye
Bennett	Dorgan	Jeffords
Biden	Durbin	Johnson
Bingaman	Edwards	Kennedy
Bond	Enzi	Kerrey
Boxer	Feingold	Kerry
Breaux	Feinstein	Kohl
Brownback	Fitzgerald	Kyl
Bryan	Frist	Landrieu
Bunning	Gorton	Lautenberg
Burns	Graham	Leahy
Byrd	Gramm	Levin
Campbell	Grams	Lieberman
Chafee, L.	Grassley	Lincoln
Cleland	Gregg	Lott
Cochran	Hagel	Lugar
Collins	Harkin	Mack
Conrad	Hatch	McCain

McConnell	Rockefeller	Stevens
Mikulski	Santorum	Thomas
Moynihan	Sarbanes	Thompson
Murkowski	Schumer	Thurmond
Murray	Sessions	Torricelli
Nickles	Shelby	Voinovich
Reed	Smith (NH)	Warner
Reid	Smith (OR)	Wellstone
Robb	Snowe	Wyden
Roberts	Specter	

NOT VOTING—2

Domenici Roth

The amendment (No. 3110) was agreed to.

VOTE ON AMENDMENT NO. 3111

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3111. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NAYS—54

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee, L.	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner

NOT VOTING—1

Roth

The amendment (No. 3111) was rejected.

Mr. JEFFORDS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. CRAIG. Mr. President, I rise today to address once again the education of our children. This week we have been debating S. 2, the Educational Opportunities Act. More importantly, we have been debating a difference in philosophy between Democrats and Republicans.

The Democrats have stood before us and proclaimed that Republicans want to weaken the Federal stranglehold on our education system.

The Democrats have stood before us and accused us of wanting to turn power from the beltway to parents and teachers.

Well, Mr. President, I plead guilty.

In fact, let us examine exactly what Republicans want to do.

We want to reduce overhead costs to put more money into the classroom, make States and local districts more accountable, and provide greater flexibility for teachers and parents to make the decisions which affect their children.

Anyone who has itemized taxes, applied for an FAH loan, been in the military, or just dealt with the Federal Government knows how stifling the paperwork can be. People all across this country make a fine living helping people deal with Federal bureaucracy.

So, it is easy to imagine how a school district can devote half of its administrative staff to administer the 7 percent of its budget that comes from the Federal Government.

Just imagine how much paperwork you have to do to send money to the Federal Government.

Now imagine how much that would increase if they were giving you money—and then imagine if you were receiving millions of dollars a year.

It is easy to see how money and staff can be siphoned off to administer Federal funds—money and staff that could go to teaching our children.

Our bill reduces Federal paperwork in order to put more money into the classroom.

Every student knows that grades—a measure of your accomplishment—are important. Every day parents and teachers hold them accountable for their grades.

These same students may find it surprising that school districts and States are not held accountable for their achievements with the billions of Federal tax dollars they receive.

Our bill says enough is enough. It is time to hold States accountable for student achievement.

Our bill offers an opportunity for 15 willing States to consolidate up to 12 Federal grant programs and free themselves from Federal redtape. However, the States must use that flexibility to boost student achievement—which they will be held accountable for. A noble concept.

The pillar of our public school system is to allow everyone free and open access to a high quality education. And, generally, it works.

Unfortunately, there are schools out there that are denying our students the basic education they need. And, students who can't afford private education, are stuck in the schools where they live.

That should not be the case. Our bill says that if a school that generally reaches disadvantaged students is designated as failing for 2 years, the district would be required to offer any child enrolled in the failing school the option to transfer to a higher performing public school.

If a school continues to fail for another 2 years, the district would also have to cover the students' transportation costs.

If all public schools within a district were identified as failing, then the district would be directed to form a cooperative agreement with another district to allow students to transfer.

And, finally, students attending these schools who either have been a victim of a violent crime on school grounds or whose school has been designated unsafe may also transfer to another public school.

This puts many decisions about a students education in the hands of their parents, forces schools to be accountable for their achievement, and allows all students access to a quality education.

Mr. President, as I close today I want to ask every parent out there one question. Do you know better than a Federal bureaucrat in Washington what is best for your child? If the answer is yes, you should support our bill.

I also want to ask every school administrator and teacher out there one question. Do you know better than a Federal bureaucrat in Washington what is best for your students? If the answer is yes, you should support our bill.

After all, it is all about increased accountability, greater local and parental control, and more money in the classroom.

The PRESIDING OFFICER. The Senator from Alaska.

DAVID MAHONEY

Mr. STEVENS. Mr. President, our Nation has lost one of the great and modest men of our time, David Mahoney. A man who will receive posthumously one of the highest awards the medical community can bestow on a layman—the first Mary Woodard Lasker leadership in Philanthropy Award for ''visionary leadership'' from the Albert and Mary Lasker Foundation on May 9.

David, through his generosity, with both his time and his money, greatly expanded knowledge about the human brain, neuroscience, and the connection between body and brain which is helping people lead longer, healthier lives.

He led us through the ''Decade of the Brain'' and used his extraordinary marketing and public relations skills to foster awareness in Congress and our people of the importance of medical research and brain research in particular.

From his humble beginnings in the Bronx, my friend served as an infantry captain in World War II and then attended the Wharton School at the University of Pennsylvania while working full time in the mail room of an advertising agency.

David's talents did not stay hidden for long; by the time he was 25, he had become the youngest vice president of an advertising agency on Madison Avenue.

He went on from there to form his own agency in New York and then

began his climb through the corporate world, first running the good Human Ice Cream Co., and rising to chief operating officer of Norton Simon's various corporate holdings.

It was during his stewardship of Norton Simon, Inc., that I first met David. My friend Norton Simon retired as president and CEO of Norton Simon, Inc., in 1969 and selected David Mahoney to be the new leader of his company.

He chose David because ''David was inspirational, tough, visionary, and dangerous.'' David expanded the company and helped Norton Simon build the world famous Norton Simon art collection, the greatest personal art collection west of the Mississippi.

David wrote a book about his own life in business called Confessions of a Street Smart Manager. David was a wonderful combination of street smarts garnered from growing up in the Bronx, an education from the Wharton School, and the Irish charm that could convince people to share a dream and work to realize its value.

Just 2 years ago David authored another book, along with Dr. Richard Restak, ''The Longevity Strategy—How To Live To 100 Using the Brain-Body Connection.''

David once said that ''God gave you intelligence so you could build your intuition about what lies ahead.''

David Mahoney's second career and perhaps most lasting legacy was with the Charles A. Dana Foundation where he served as its chairman since 1977.

After leaving Norton Simon, he focused the attention of the Dana Foundation on neuroscience research and helped the world's top neuroscientists and researchers explain the importance of their research to the general public and to funding agencies in the executive branch and the Congress.

In 1992, he and Nobel Laureate Dr. James Watson launched the ''Decade of the Brain'' with 10 specific objectives they believed might be achievable by the end of the decade. That effort focused attention better than ever before on understanding the basis for diseases of the brain like Parkinson's and Alzheimer's and generated an unprecedented level of support for neuroscience research.

David has become widely and justifiably credited as our foremost lay advocate for neuroscience. While David had recently expressed some frustration to me that those 10 ambitious goals had not yet been fully achieved, through his efforts remarkable progress has been made in understanding the human brain and the diseases that afflict it. I know those goals will ultimately be met, and David Mahoney will be forever remembered as the driving force behind this effort.

My friend David Mahoney and his wife Hillie have been close friends of ours for many years. David and I celebrated our 75th birthdays, which fell in the same year, and shared many memorable times. Catherine and I will miss his wit and his wisdom and his leadership, but I will continue to enjoy personal memories of our friendship and to be grateful for his legacy of exploration into the workings of the human brain.

Mr. President, the May 2, 2000, New York Times contained an excellent obituary of David Mahoney, and I ask unanimous consent that it be printed in the RECORD.

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

[From the New York Times, May 2, 2000]

DAVID MAHONEY, A BUSINESS EXECUTIVE AND NEUROSCIENCE ADVOCATE, DIES AT 76

(By Eric Nagourney)

David Mahoney, a business leader who left behind the world of Good Humor, Canada Dry and Avis and threw himself behind a decidedly less conventional marketing campaign, promoting research into the brain, died yesterday at his home in Palm Beach, Fla. He was 76.

The cause was heart disease, friends said.

Mr. Mahoney, who believed that the study of the brain and its diseases had been shortchanged for far too long, was sometimes described as the foremost lay advocate of neuroscience. As chief executive of the Charles A. Dana Foundation, a medical philanthropic organization based in Manhattan, he prodded brain researchers to join forces, shed their traditional caution and reclusivity and engage the public imagination.

To achieve his goals, he brought to bear the power of philanthropy, personal persuasion and the connections he had made at the top of the corporate world.

Using his skills as a marketing executive, he worked closely with some of the world's top neuroscientists to teach them how to sell government officials holding the purse strings, as well as the average voter, on the value of their research. He pressed them to make specific public commitments to find treatments for diseases like Alzheimer's, Parkinson's and depression, rather than conduct just ''pure'' research.

''People don't buy science solely,'' Mr. Mahoney said this year. ''They buy the results of, and the hope of, science.''

In 1992, aided by Dr. James D. Watson, who won the Nobel Prize as a co-discoverer of the structure of DNA, Mr. Mahoney founded the Dana Alliance for Brain Initiatives, a foundation organization of about 190 neuroscientists, including Dr. Watson and six other Nobel laureates, that works to educate the public about their field.

The same year, after taking over the 50-year-old Dana Foundation as chief executive, Mr. Mahoney began shifting it away from its traditional mission of supporting broader health and educational programs, and focused its grants almost exclusively on neuroscience. Since then, the foundation has given some $34 million to scientists working on brain research at more than 45 institutions.

Mr. Mahoney also dipped into his own fortune, giving millions of dollars to endow programs in neuroscience at Harvard and the University of Pennsylvania. Later this month, the Albert and Mary Lassker Foundation, which traditionally honors the most accomplished researchers, was to give him a newly created award for philanthropy.

''He put his money where his mouth was,'' said Dr. Kay Redfield Jamison, a professor of psychiatry at Johns Hopkins University.

Mr. Mahoney's journey from businessman to devotee of one of the most esoteric fields of health was as unusual as it was unexpected.

David Joseph Mahoney Jr. was born in the Bronx on May 17, 1923, the son of David J. Mahoney, a construction worker, and the former Loretta Cahill.

After serving as an infantry captain in the Pacific during World War II, he enrolled at the University of Pennsylvania's Wharton School. He studied at night, and during the day he worked 90 miles away in the mail room of a Manhattan advertising agency, Ruthrauff & Ryan. By the time he was 25, he had become a vice president of the agency—by some accounts, the youngest vice president on Madison Avenue at the time.

Then in 1951, in a move in keeping with the restlessness that characterized his business career, he left Ruthrauff & Ryan to form his own agency. Four years later, when his business was worth $2 million, he moved on again, selling it to run Good Humor, the ice-cream company that his small agency had managed to snare as a client.

Five years later, when Good Humor was sold, Mr. Mahoney became executive vice president of Colgate-Palmolive, then president of Canada Dry, and then, in 1969, president and chief operating officer of Norton Simon, formed from Canada Dry, Hunt Food and McCall's. Under Mr. Mahoney, Norton Simon grew into a $3 billion conglomerate that included Avis Rent A Car, Halston, Max Factor and the United Can Company.

Despite his charm, associates said, he had a short temper and an impatient manner that often sent subordinates packing. ''I burn people out,'' he once said in an interview, ''I'm intense, and I think that intensity is sometimes taken for anger.''

The public knew him as one of the first chief executives to go in front of the camera to promote his product, in this case, in the early 1980's for Avis rental cars, which Norton Simon had acquired under his tenure.

By all accounts, including his own, Mr. Mahoney was living on top of the world. He was one of the nation's top paid executives, receiving $1.85 million in compensation in 1982—a fact that did not always endear him to some Norton Simon shareholders, who filed lawsuits charging excessive compensation, given that his company's performance did not always keep pace with his raises.

Tall and trim, he moved among society's elite and was friends with Henry A. Kissinger, Vernon E. Jordon, Jr. and Barbara Walters. He was reported to have advised Presidents Richard M. Nixon, Jimmy Carter and Ronald Reagan, and to have met with Mr. Carter at Camp David.

But his fortunes changed late in 1983. True to form, the restless Mr. Mahoney was seeking change, putting into motion a plan to take Norton Simon private. But this time, he stumbled; a rival suitor, the Esmark Corporation, bettered his offer and walked away with his company.

Mr. Mahoney was left a lot richer—as much as $40 million or so, by some accounts—but, for the first time in his life, he was out of a job and at loose ends. He described the period as a low point.

''You stop being on the 'A' list,'' he said some years later, ''Your calls don't get returned. It's not just less fawning; people could care less about you in some cases. The king is dead. Long live the king.''

It look some years for Mr. Mahoney to regain his focus. Gradually, he turned his attention to public health, in which he had already shown some interest. In the 1970's, he had been chairman of the board of Phoenix House, the residential drug-treatment program. By 1977, while still at Norton, he became chairman of the Dana Foundation, a largely advisory position.

Mr. Mahoney increasingly devoted his time to the foundation. In 1982, he also because its chief executive, and soon began shifting the

organization's focus to the brain. In part, the reason came from his own experience. In an acceptance speech that he has prepared for the Lasker Award, he wrote of having seen first-hand the effects of stress and the mental health needs of people in the business world.

But associates recalled, and Mr. Mahoney seemed to say as much in his speech, that he appeared to have arrived at the brain much the way a marketing executive would think up a new product. ''Some of the great minds in the world told me that this generation's greater action would be in brain science—if only the public would invest the needed resources,'' he wrote.

In 1992, Mr. Mahoney and Dr. Watson gathered a group of neuroscientsts at the Cold Spring Harbor Laboratory on Long Island. There, encouraged by Mr. Mahoney, the scientists agreed on 10 research objectives that might be reached by the end of the decade, among them finding the genetic basis for manic-depression and identifying chemicals that can block the action of cocaine and other addictive substances.

''We've gotten somewhere on about four of them—but what's life,'' Dr. Watson said recently.

In recent years, Mr. Mahoney became convinced that a true understanding of the brain-body connection might also lead to cures for diseases in other parts of the body, like cancer and heart disease.

He believed that it would soon be commonplace for people to live to 100. For the quality of life to be high at that age, he believed, people would have to learn to take better care of their brains.

In 1998, along with Dr. Richard Restak, a neuropsychiatrist, Mr. Mahoney wrote ''The Longevity Strategy: How to Live to 100: Using the Brain-Body Connection'' (John Wiley & Sons).

Mr. Mahoney's first wife, Barbara Ann Moore, died in 1975. He is survived by his wife, the former Hildegarde Merrill, with whom he also had a home in Lausanne, Switzerland; a son, David, of Royal Palm Beach, Fla.; two stepsons, Arthur Merrill of Muttontown, N.Y., and Robert Merrill of Locust Valley, N.Y., and a brother, Robert, of Bridgehampton, N.Y.

Associates said Mr. Mahoney's temperament in his second career was not all that different from what it had been in his first. It was not uncommon, said Edward Rover, vice chairman of the Dana Foundation's board of trustees, for his phone to ring late at night, and for Mr. Mahoney to sail into a pointed critique of their latest endeavors.

One researcher spoke of his ''kind of charge-up-San-Juan-Hill style.'' Dr. Jamison, of Johns Hopkins, called him ''impatient in the best possible sense of the word.''

As in his first career, Mr. Mahoney never lost the good salesman's unwavering belief in this product, ''If you can't sell the brain,'' he told friends, ''then you've got a real problem.''

Mr. DODD. If my colleague will yield, I thank our colleague from Alaska for his comments about David Mahoney. I didn't know him as well as my good friend from Alaska but had the opportunity to be with him on numerous occasions. All the things the Senator from Alaska said about David Mahoney are true, and even more so. It is a great loss to the country.

In fact, I point out our good friend from Alaska has lost a couple of good friends in the last few months.

A man of significant contributions, a man who appreciated the arts, had a great love of this country and history—David Mahoney was all of those.

Suffice it to say, I want to be associated with the comments of the distinguished Senator from Alaska on his comments about David Mahoney.

MARKING THE ARRIVAL OF TAX FREEDOM DAY

Mr. GRAMS. Mr. President, today is Tax Freedom Day, the day on which working Americans stop working just to pay their State, Federal, and local taxes and actually begin keeping their earnings for themselves.

This is an important day for American taxpayers, but it is certainly not a happy occasion because every year—since 1913—Tax Freedom Day has arrived later and later. This means that Americans are working more hours and more days every year just to pay their tax bill. This year, Americans had to work 124 days for their local, State and Federal governments before they could finally start working for themselves and their families on May 3.

What is even more troubling is that in 13 States—including my home State of Minnesota—Tax Freedom Day will arrive 2 or more days later than the rest of the Nation. That means Minnesota taxpayers have to wait longer before they can start working for themselves, not for the Government.

Despite the fact that Americans work so long for the Government, we have recently heard a lot of talk on the Senate floor and in the media that the Federal tax bite is the smallest in 40 years and that the era of big government and high taxes is over. If that is true, why hasn't Tax Freedom Day arrived earlier than last year?

The stark truth is that the Federal Government's tax collecting—and spending—are still too high.

The facts speak for themselves. Although the total Federal tax burden is slightly lower thanks to our tax-relief initiatives, particularly the bill I authored to provide a $500 per-child tax credit, the combined burden of Federal personal income and payroll taxes is well above the figures of both World War II and 1980 prior to the Reagan tax cut. Federal taxes consume 20.4 percent of GDP, compared to 17.5 percent of GDP when President Clinton took office. Since 1993, federal taxes have increased by 54%, which for the average taxpayer translates into a $2,000 tax hike.

The combined personal income and payroll tax soared to 16.3% of GDP in 1999, up from 14.2% in 1992. Measured as a share of GDP, the personal income tax rose from 8% in 1981 to 9.6% in 1999. The payroll tax now takes 6.8% of GDP, up from 4.5% in 1970.

On average, each American is paying $10,298 this year in Federal, State, and local taxes. A typical family now pays more of its income in total taxes than it spends on food, clothing, transportation, and housing combined. More and more middle-income families are being pushed into higher tax brackets each year.

Even for most low- and middle-income families, federal payroll taxes take a huge bite of their income, and it keeps growing. For example, in 1965, a family earning wages of $10,000 paid $348 in payroll taxes. Today, that family would pay $1,530 in payroll taxes—an increase of 340 percent.

According to the Tax Foundation, a nonpartisan group that tracks the government tax bite at all levels, the total tax burden has grown significantly since 1992. While State and local taxes have grown somewhat, Federal taxes account for the largest share of the increase.

Federal, State and local taxes claim 39.0 percent of a median two-income family's total income and 37.6 percent for a median one-income family, according to a Tax Foundation study.

During the Clinton administration, Tax Freedom Day has leap frogged almost 2 weeks from April 20 in 1992 to May 3 this year. The Clinton Presidency means working Americans have to spend an extra 13 days working for Government. Not since the era of the Vietnam War and President Johnson's ''Great Society'' programs has Tax Freedom Day been pushed back so far in such a short period of time—and this is from an administration that claims it has put an end to ''big government.''

The Government is getting bigger, not smaller. Some people claim that big Government is over because Government spending as a percentage of GDP is shrinking. The real question is how do we measure the size of the Government? Is it the number of employees, the number of dollars spent, the tax burden, the hidden costs of regulations, or all of the above? I believe it should be all of the above. The growth of the economy does not have to be linked to the growth of Government. In fact, I have always said that we can streamline the Government and still provide all the Government services we need.

A more meaningful way to measure Government spending is to look at the number of dollars spent. Since President Clinton took office in 1993, Government spending has increased from $1.40 trillion to $1.83 trillion in 2000, a 30-percent rise. During the same period, Government revenue increased from $1.15 trillion to $2.08 trillion, a 75-percent increase.

The growth for domestic nondefense spending was 6.3 percent between 1990 and 1995. In the last 2 years alone, nondefense spending grew by 5.3 and 6.8 percent. President Clinton has proposed a 14-percent increase in his last budget. If this is not big Government, what is?

If President Clinton's spending frenzy continues, it will wipe out the entire $1.9 trillion non-Social Security surplus in less than 3 years, leaving none of these tax overpayments to return to taxpayers in the form of debt reduction, tax relief and Social Security reform. But our colleagues on the other

side of the aisle do not say this increased spending is risky. They instead claim that our tax relief efforts to let the people keep a little more of their own money is risky.

People today work hard, and then are penalized for their work. With punitive taxes, Washington makes the American dream of working hard for a better life more difficult, and for some, impossible. How can anyone call the elimination of the marriage tax penalty for 21 million American families risky?

It is clear that the American people are still overtaxed despite the progress we have made to reduce taxes. Congress must provide meaningful tax relief to help alleviate the tax burden on working Americans.

But the only way we can effectively push back Tax Freedom Day is to terminate the tax code and replace it with one that promotes tax freedom and economic opportunity. We must repeal the 16th amendment and abolish the IRS. We must create a new tax system that's fairer, simpler, and friendlier to taxpayers.

Tax Freedom Day—it should be more than just another reminder of the high cost of Government. We owe it to the American taxpayers to work together to fix the system. Only when we begin to shorten the number of days that Americans work for Government, and allow them to own the fruits of their labor, can we truly celebrate Tax Freedom Day.

CONGRESSIONAL GOLD MEDAL FOR PRESIDENT AND MRS. REAGAN

Mr. COVERDELL. Mr. President, as you may know, on April 25, 2000, many of my colleagues and I introduced S. 2459, legislation that would award President and Mrs. Ronald Reagan with the Congressional Gold Medal.

The bill has been received warmly in my home State as well. The Press-Sentinel of Jesup, GA, recently ran an editorial supporting my bill. I ask unanimous consent that this article be printed in the RECORD.

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

[From the Jesup, GA, Press-Sentinel, Apr. 26, 2000]

A FITTING TRIBUTE TO REAGAN

If Sen. Paul Coverdell has his way, former President Ronald Reagan and his wife, Nancy, will become the 118th recipient of the Congressional Gold Medal.

Tuesday, the Georgia senator introduced legislation that would award the president and his wife the medal.

Said the senator, ''I am proud to sponsor this effort. President and Mrs. Reagan are a constant source of inspiration for me, as they are for many Americans. President Reagan led us to the economic prosperity that we still enjoy today and was instrumental in ending the Cold War. Mrs. Reagan lent her grace and commitment to fighting the war on drugs. Now as they battle the President's Alzheimer's Disease together, it is fitting for this nation to thank them for their leadership and for the role they played in shaping American history.''

During his eight years in the White House, Reagan's role in ending the Cold War will go down in history as perhaps his greatest accomplishment.

Who can forget the challenge he hurled to his counterpart in Moscow, Mikhail Gorbachev, when he stood at Berlin's Brandenburg Gate and said, ''Mr. Gorbachev, tear down this wall!''

In 1989, near the end of his term, the Berlin Wall came down and a year later Germany was again reunited.

When told of plans to award the Reagans the medal, Gorbachev said, ''The award of the Gold Medal of U.S. Congress to Ronald Reagan is a fitting tribute to the 40th president of the United States, who will go down in history as a man profoundly dedicated to his people and committed to the values of democracy and freedom.

''Together with Ronald Reagan, we took the first, the most important steps to end the cold war and start real nuclear disarmament. . . . I am confident that succeeding generations will duly appreciate the accomplishments of President Reagan.''

We applaud the overdue recognition of President Reagan's accomplishments and hope for unanimous support for Sen. Coverdell's legislation.

Mr. COVERDELL. Mr. President, from rural Georgia to Capitol Hill, Americans recognize the immeasurable contribution that President and Mrs. Ronald Reagan have made to our Nation. Their support is most welcome.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 2, 2000, the Federal debt stood at $5,669,550,992,339.00 (Five trillion, six hundred sixty-nine billion, five hundred fifty million, nine hundred ninety-two thousand, three hundred thirty-nine dollars and zero cents).

Five years ago, May 2, 1995, the Federal debt stood at $4,859,125,000,000 (Four trillion, eight hundred fifty-nine billion, one hundred twenty-five million).

Ten years ago, May 2, 1990, the Federal debt stood at $3,082,811,000,000 (Three trillion, eight-two billion, eight hundred eleven million).

Fifteen years ago, May 2, 1985, the Federal debt stood at $1,745,505,000,000 (One trillion, seven hundred forty-five billion, five hundred five million).

Twenty-five years ago, May 2, 1975, the Federal debt stood at $516,450,000,000 (Five hundred sixteen billion, four hundred fifty million) which reflects a debt increase of more than $5 trillion—$5,153,100,992,339.00 (Five trillion, one hundred fifty-three billion, one hundred million, nine hundred ninety-two thousand, three hundred thirty-nine dollars and zero cents) during the past 25 years.

ADDITIONAL STATEMENTS

WORLD ASTHMA DAY 2000

• Mr. DURBIN Mr. President, I rise today to call attention to the fact that today May 3, 2000, is World Asthma Day. As some of you may know, I am a strong supporter of federal, state, and local efforts to create and enhance awareness of asthma and to improve asthma care throughout this country and indeed throughout the world. I would also like to extend sincere thanks to the many thousands of Americans and others who work day after day to try to improve the way asthma is diagnosed and treated.

In the last 15 years, the prevalence of asthma has doubled throughout the world. More than 10 percent of children have asthma symptoms, and in some countries, as many as 30 percent are affected. In this country, asthma ranks among the most common chronic conditions, affecting more than 15 million Americans, including 5 million children, and causing more than 1.5 million emergency department visits, approximately 500,000 hospitalizations, and more than 5,500 deaths. The estimated direct and indirect monetary costs for this disease totaled $11.3 billion in 1998, in the United States alone.

World Asthma Day 2000 is being marked by more than 80 countries throughout the world. It is a partnership between health care groups and asthma educators organized by the Global Initiative for Asthma, GNA, which is a collaboration between the National Heart, Lung, and Blood Institute, NHLBI, of the National Institutes of Health and the World Health Organization. On this day, thousands of people throughout the world will work together to create greater awareness of the need for every person with asthma to obtain a timely diagnosis, receive appropriate treatment, learn to manage their asthma in partnership with a health professional, and reduce exposure to environmental factors that make their asthma worse.

Among those participating in World Asthma Day, via a special World Asthma Day Internet site (www.Webvention.org), will be Dr. David Satcher, Surgeon General of the United States, and Mr. Nelson Mandela, former President of the Republic of South Africa and currently Chairman of the South African National Asthma Campaign. Ministers of Health from Japan, Turkey, Malaysia and other countries will also be available on the Internet to answer questions about how the implementation of international asthma treatment guidelines can benefit patients and reduce health care costs.

In the U.S., local World Asthma Day activities are being coordinated by the NHLBI's National Asthma Education and Prevention Program and are listed on its Web site (www.nhlbi.nih.gov). These activities range from local press conferences to school poster contests, and health fairs to science museum education programs.

The NAEPP, along with the National Library of Medicine, Howard University, the Office of the Mayor of the District of Columbia, the American Lung

Association of the District of Columbia, and the D.C. public school system, will hold the official U.S. press conference to report on the state of asthma in the United States and what is being done to combat the problem. Invited guests include members of Congress; Olympians who have achieved their titles despite their asthma; Washington, DC, elementary school students who have asthma; and representatives of selected community-based asthma coalitions from across the country. The press conference will be Webcast and shown on the World Asthma Day Web site.

Mr. President, it is my hope that our colleagues will join in paying tribute to World Asthma Day and to those who suffer from this condition and those who are working to help them. It is hoped that with the continued support of the Congress, additional progress can be made in the efforts to prevent asthma, as well as to improve its diagnosis and treatment.●

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 11:21 a.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. 371. An act to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

H.R. 2932. An act to direct the Secretary of the Interior to conduct a study of the Golden Spike/Crossroads of the West National Heritage Area Study Area and to establish the Crossroads of the West Historic District in the State of Utah.

H.R. 3582. An act to restrict the use of mandatory minimum personnel experience and educational requirements in the procurement of information technology goods or services unless sufficiently justified.

H.R. 3629. An act to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of the title III.

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. 300. Concurrent resolution recognizing and commending our Nation's Federal workforce for successfully preparing our Nation to withstand any catastrophic year 2000 computer problem disruptions.

The message further announced that the House has passed the following bill, without amendment:

S. 452. An act for the relief of Belinda McGregor.

The message also announced that the House has passed to the following joint resolutions, without amendment:

S.J. Res. 40. A joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 42. A joint resolution providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2932. An act to direct the Secretary of the Interior to conduct a study of the Golden Spike/Crossroads of the West National Heritage Area Study Area and to establish the Crossroads of the West Historic District in the State of Utah; to the Committee on Energy and Natural Resources.

H.R. 3582. An act to restrict the use of mandatory minimum personnel experience and educational requirements in the procurement of information technology goods or services unless sufficiently justified; to the Committee on Government Affairs.

H.R. 371. An act to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 300. Concurrent resolution recognizing and commending our Nation's Federal workforce for successfully preparing our Nation to withstand any catastrophic year 2000 computer problem disruptions; to the Committee on Government Affairs.

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–8755. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–600, –700, –800 Series Airplanes; Request for Comments; Docket No. 2000–NM–84 (4–10/4–24)'' (RIN2120–AA64) (2000–0214), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8756. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes; Docket No. 99–NM–81 (4–11/4–24)'' (RIN2120–AA64) (2000–0215), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8757. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767 Series Airplane; Docket No. 99–NM–72 (4–10/4–24)'' (RIN2120–AA64) (2000–0216), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8758. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–600, –700, –800 Series Airplanes; Request for Comments; Docket No. 2000–NM–88 (4–24/4–27)'' (RIN2120–AA64) (2000–0214), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8759. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Series Airplanes; Docket No. 99–NM–56 (4–27/5–1)'' (RIN2120–AA64) (2000–0239), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8760. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–100, –200, –300 , –400, and –500 Series Airplanes; Docket No. 98–NM–253 (4–26/5–1)'' (RIN2120–AA64) (2000–0242), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8761. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777 Series Airplanes; Docket No. 99–NM–346 (4–26/5–1)'' (RIN2120–AA64) (2000–0241), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8762. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300–600 and A310 Series Airplanes; Docket No. 99–NM–82 (4–14/4–24)'' (RIN2120–AA64) (2000–0228), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8763. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300–600 Series Airplanes; Docket No. 98–NM–78 (4–14/4–24)'' (RIN2120–AA64) (2000–0227), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8764. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 Series Airplanes; Docket No. 99–NM–304 (4–24/4–18)'' (RIN2120–AA64) (2000–0219), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8765. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300, A310, and A300–600 Series Airplanes; Docket No. 99–NM–07 (4–14/4–24)'' (RIN2120–AA64) (2000–0222), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8766. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fokker Model F.28 Mark 0070 and 0100 Series Airplanes; Docket No. 99–NM–369 (4–14/4–24)'' (RIN2120–AA64) (2000–0226), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8767. A communication from the Federal Aviation Administration, Department of

Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fokker Model F27 Series Airplanes equipped with Rolls Royce 532–7 Dart 7 Series Engines: Request for Comments; Docket No. 200–NM–959 (4–18/4–24)'' (RIN2120–AA64) (2000–0212) , received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8768. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Agusta Model A109C and A109K2 Helicopters; Docket No. 99–SW–28 (4–24/4–27)'' (RIN2120–AA64) (2000–0234), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8769. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Agusta Model A109C, A109AII, and A109C Helicopters; Request for Comments; Docket No. 99–SW–47 (4–14/4–24)'' (RIN2120–AA64) (2000–0223), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8770. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Turbomeca Artouste III Series Turboshaft Engines; Docket No. 99–NE–33 (4–11/4–24)'' (RIN2120–AA64) (2000–0210), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8771. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Turbomeca Makila 1 Series Turboshaft Engines; Docket No. 99–NE–11 (4–11/4–24)'' (RIN2120–AA64) (2000–0209), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8772. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce plc Tay 650–15 Turbofan Engines; Docket No. 99–NE–61 (4–18/4–24)'' (RIN2120–AA64) (2000–0220), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8773. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dornier Model 328–100 Series Airplanes; Docket No. 99–NM–40 (4–11/4–24)'' (RIN2120–AA64) (2000–0208), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8774. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Various Transport Category Airplanes Equipped with Certain Honeywell Air Data Inertial Reference Units; Request for Comments; Docket No. 2000–NM–83 (4–18/4–24)'' (RIN2120–AA64) (2000–0213), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8775. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Lockheed Model L–1011–385 Series Airplanes; Docket No. 99–NM–252 (4–17/4–24)'' (RIN2120–AA64) (2000–0221), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8776. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Gulfstream Model G–IV Series Airplanes; Docket No. 2000–NM–82 (4–14/4–24)'' (RIN2120–AA64) (2000–0224), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8777. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC–8–100 Series Airplanes; Docket No. 99–NM–321 (4–14/4–24)'' (RIN2120–AA64) (2000–0225), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8778. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Industrie Aeronautiche e Meccaniche Model Piaggio P–180 Airplanes; Docket No. 99–CE–65 (4–11/4–24)'' (RIN2120–AA64) (2000–0229), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8779. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Various Transport Category Airplanes Equipped with Mode C Transponders with Seingle Code Altitude Input; Docket No. 2000–NM–81 (4–20/4–27)'' (RIN2120–AA64) (2000–0235), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8780. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 2000–NM–97 (4–20/4–27)'' (RIN2120–AA64) (2000–0232), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8781. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Learjet Model 45 Airplanes; Docket No. 2000–NM–85 (4–28/5–1)'' (RIN2120–AA64) (2000–0238), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8782. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Model BAe 125–800A and BAe 125–800B, Model Hawker 800, and Model Hawker 800XP Series Airplanes; Docket No. 99–NM–13 (4–26/5–1)'' (RIN2120–AA64) (2000–0240), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8783. A communication from the Common Carrier Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled ''Truth–in–Billing Format'' (FCC 00–111, CC Doc. 98–170), received May 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8784. A communication from the Policy and Rules Division, Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled ''Establishment of a Class A Television Service'' (MM Doc. 00–10, FCC No. 00–115), received May 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8785. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Export-Import Bank Act of 1945, a determination by the Secretary of State to allow the Export-Import Bank to finance the sale of defense articles to Venezuela; to the Committee on Banking, Housing, and Urban Affairs.

EC–8786. A communication from the Corporation for National Service transmitting, pursuant to law, the annual reports for fiscal year 1999; to the Committee on Governmental Affairs.

EC–8787. A communication from the General Services Administration, transmitting an informational copy of an amended lease prospectus for the Federal Bureau of Investigation, Cleveland, OH; to the Committee on Environment and Public Works.

EC–8788. 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; Reclassification of Yacare Caiman in South America from Endangered to Threatened, and the Listing of Two Other Caiman Species as Threatened by Reason of Similarity of Appearance'' (RIN1018–AD67), received April 28, 2000; to the Committee on Environment and Public Works.

EC–8789. 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 Rule to Remove the Umpqua River Cutthroat Trout from the List of Endangered Wildlife'' (RIN1018–AF45), received April 21, 2000; to the Committee on Environment and Public Works.

EC–8790. 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 Rule to List as Endangered the Oahu Elepaio from the Hawaiian Islands and Determination of Whether Designation of Critical Habitat is Prudent'' (RIN1018–AE51), received April 13, 2000; to the Committee on Environment and Public Works.

EC–8791. 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 Rule to List the Alabama Sturgeon as Endangered'' (RIN1018–AF56), received May 2, 2000; to the Committee on Environment and Public Works.

EC–8792. A communication from the General Services Administration transmitting, pursuant to law, a report of Building Project Survey for Riverside and San Bernadino Counties, CA; to the Committee on Environment and Public Works.

EC–8793. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NO_X and RACT Determinations for Individual Sources''; to the Committee on Environment and Public Works.

EC–8794. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Approval and Promulgation of Implementation Plan; Indiana''; to the Committee on Environment and Public Works.

EC–8795. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Guidance for Developing TMDLs in California''; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with amendments:

S. 1509: A bill to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations, and for other purposes (Rept. No. 106–277).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2340: A bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes (Rept. No. 106–278).

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. SPECTER:

S. 2499. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. DODD:

S. 2500. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PUFFIN; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSON:

S. 2501. A bill to provide access and choice for use of generic drugs instead of nongeneric drugs under Federal health care programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2502. A bill to establish in the Office of the Architect of the Capitol the position of Director of Fire Safety and Protection to assume responsibility for fire safety and protection activities of the Architect of the Capitol, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. Res. 302. A resolution expressing the sense of the Senate that the Health Care Financing Administration should consider current systems that provide better, more cost effective emergency transport before promulgating any final rule regarding the delivery of emergency medical services; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 2499. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

LEGISLATION PROVIDING FOR A PROJECT DEADLINE EXTENSION

Mr. SPECTER. Mr. President, I rise today to introduce legislation that would reinstate and extend the deadline for construction of a Pennsylvania hydroelectric power project. This extension is necessary because the Potter Township Power Authority (Project No. 7041) will lose their license from the Federal Regulatory Commission under Section 13 of the Power Act. On many occasions, the Congress has granted similar noncontroversial extensions to licensees for projects in other states. This legislation would provide additional time for the municipal licensees to conclude their negotiations with the potential power purchasers. In introducing this legislation, I am not expressing any personal views on whether the projects should go forward or on how the projects should be funded; that is clearly the responsibility of the municipal licensees and the residents of the township.

I urge my colleagues to support this legislation and ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE AND REINSTATEMENT OF LICENSE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7041, the Commission shall, at the request of the licensee for the project, extend the period required for commencement of construction of the project until December 31, 2001.

(b) EFFECTIVE DATE.—Subsection (a) takes effect on the expiration of the period required for commencement of construction of the project described in subsection (a).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project described in subsection (a) has expired before the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction as provided in subsection (a).

By Mr. DODD:

S. 2500. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Puffin*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER FOR THE ''PUFFIN''

• Mr. DODD. Mr. President, I rise today to introduce legislation to waive the 1920 Merchant Marine Act, the so-called Jones Act, to allow Mr. Thomas Brooks Brener of Norwalk, Connecticut to commercially operate the *Puffin*, a sailing sloop built in the Netherlands in 1985.

Mr. Brener seeks the Jones Act waiver in order to reclassify the *Puffin* from a strictly recreational vessel to a charter or commercial vessel documented to operate with six or fewer paying passengers. If granted this waiver, Mr. Brener intends to provide private sailing instruction and captained private and charitable charters out of Norwalk, Connecticut.

The operating plan proposed by Mr. Brener is quite modest and limited in scale. With a total length of just under 36 feet and carrying six or fewer passengers, the *Puffin* is not the foreign built challenge to American shipyards and shipping envisioned by the drafters of the Merchant Marine Act of 1920. Indeed, it poses no threat to larger U.S. coastal shipping interests. On the contrary, instead of being a threat to the local coastal trade, reclassification of the *Puffin* will provide a beneficial service to the community of Norwalk and the people of southwestern Connecticut by creating an additional recreational and small business opportunity.

I believe it is altogether appropriate to grant a Jones Act waiver for the sailing sloop *Puffin* and I urge the Senate to do so. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PUFFIN, United States official number 697029.•

By Mr. JOHNSON:

S. 1501. A bill to provide access and choice for use of generic drugs instead of nongeneric drugs under Federal health care program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

GENERIC PHARMACEUTICAL ACCESS AND CHOICE FOR CONSUMERS ACT OF 2000

• Mr. JOHNSON. Mr. President, today, I am introducing legislation as one more step in my fight to combat rising prescription drug prices and reduce the cost of medication for consumers in this country. My legislation, called the Generic Pharmaceutical Access and Choice For Consumers Act of 2000, aims to reduce the cost of prescription medication to American taxpayers and the U.S. government by encouraging the use of Food and Drug Administration (FDA) approved, therapeutically equivalent generic prescription drugs within the federal health care programs, except if the non-generic form is either ordered by the prescribing physician or requested by the patient.

The Generic Pharmaceutical Access and Choice For Consumers Act of 2000 establishes a straightforward and cost-effective means of increasing consumers' access and choice to safe, affordable generic prescription drugs

under federal health care programs which could result in savings of millions of dollars.

The Federal Employee Health Benefits Program (FEHBP), which last year spent $18.2 billion providing health insurance coverage to its estimated 4.12 million enrollees, spent nearly twenty percent, $3.6 billion, of their insurance program costs on pharmaceutical benefits alone. This year brought little relief when the Office of Personnel Management (OPM) announced that FEHBP premium increases for the year 2000 were about 9.3 percent, mostly attributable to the cost increase in prescription drug claims.

In 1997, about one-third of all prescriptions under the FEHBP were for generic drugs. The Office of Personnel Management (OPM), which administers the FEHBP, estimated that total costs for prescription drugs would drop by about fifteen percent if half of all prescriptions were for generic drugs.

A 1998 study conducted by the Congressional Budget Office estimates that generic pharmaceutical substitution saves consumers nationwide approximately eight to ten billion dollars a year.

Some FEHBP plans and other federal health care programs do to some extent encourage the use of generic prescription drugs but the practice is not mandatory or universally incorporated into all programs. The Generic Pharmaceutical Access and Choice For Consumers Act simply directs all federal health care programs that provide prescription drug plans to fill prescriptions with FDA approved, therapeutically equivalent generic prescription drugs, except if the non-generic form is either ordered by the prescribing physician or requested by the patient.

I believe we can take greater steps to increase the utilization of high-quality, FDA approved generic pharmaceutical which cost between twenty-five and sixty percent less than brand-name pharmaceutical, resulting in an estimated average savings of fifteen to thirty dollars on each prescription filled.

Generic pharmaceutical are widely accepted by both consumers and the medical profession, as the market share held by generic pharmaceutical compared to brand-name prescription drugs has more than doubled during the last decade, from approximately nineteen to forty-three percent, according to the Congressional Budget Office. Yet, despite accounting for just over forty percent of the prescriptions drugs dispensed, generic pharmaceutical represent only 8 percent of the total dollar volume spent on drugs.

Since there exists no current coverage for outpatient prescription drugs under the Medicare program, a second component of my bill includes a Sense of the Senate that legislative language requiring, to the extent feasible, a preference for the safe and cost-effective use of generic pharmaceutical be considered in conjunction with any legislation that adds a prescription drug benefit to the Medicare program. I strongly believe that the utilization of high-quality generic pharmaceutical in a Medicare prescription drug benefit would provide a built in cost control mechanism that would help ensure the economic feasibility and sustainability of any new benefit.

And third, the bill I am introducing today works to prevent a tactic used by the brand drug industry to prevent generics from reaching the consumers by convincing state legislatures to pass unwarranted restrictions to the substitution of generic versions of brand name drugs. The campaign that some brand name drug companies lobby in some states is nothing more than an attempt by the brand name companies to protect their market share. The Generic Pharmaceutical Access and Choice For Consumers Act increases the level playing field for generic pharmaceutical by requiring the Food and Drug Administration, where appropriate, to determine that a generic pharmaceutical is the therapeutic equivalent of its brand-name counterpart, and affording national uniformity to that determination.

The legislation would also prevent a State from establishing or continuing any requirement that keeps generic pharmaceutical off the market once FDA has determined that a generic drug is ''therapeutically equivalent'' to a brand name drug. This provision will ensure that generic prescription drugs get to the market in a timely fashion and provide consumers with access and choice to low cost, high-quality alternatives.

As the year continues, we will see more discussion about how we provide Medicare coverage of prescription drugs and I hope that ultimately that's where we'll wind up some day. However, I believe that minimizing cost through full access to generic drugs must be part of any effort to address the prescription drug pricing issue. I introduced the Generic Pharmaceutical Access and Choice For Consumers Act of 2000 to lay the ground work early in these discussions and take some constructive steps in the right direction so that the American public can get the full benefit of safe, affordable generic prescription drugs and taxpayers are treated right at the same time.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 2501

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 ''Generic Pharmaceutical Access and Choice for Consumers Act of 2000''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—ENCOURAGEMENT OF THE USE OF GENERIC DRUGS

Sec. 101. Encouragement of the use of generic drugs under the Public Health Service Act.
Sec. 102. Application to Federal employees health benefits program.
Sec. 103. Application to medicare program.
Sec. 104. Application to medicaid program.
Sec. 105. Application to Indian Health Service.
Sec. 106. Application to veterans programs.
Sec. 107. Application to recipients of uniformed services health care.
Sec. 108. Application to Federal prisoners.

TITLE II—THERAPEUTIC EQUIVALENCE REQUIREMENTS FOR GENERIC DRUGS

Sec. 201. Therapeutic equivalence of generic drugs.

TITLE III—GENERIC PHARMACEUTICALS AND MEDICARE REFORM

Sec. 301. Sense of the Senate regarding a preference for the use of generic pharmaceuticals under the medicare program.

SEC. 2. FINDINGS AND PURPOSES.

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

(1) Generic pharmaceuticals are approved by the Food and Drug Administration on the basis of testing and other information establishing that such pharmaceuticals are therapeutically equivalent to brand-name pharmaceuticals, ensuring consumers a safe, efficacious, and cost-effective alternative to brand-name pharmaceuticals.

(2) The pharmaceutical market has become increasingly competitive during the last decade because of the increasing availability and accessibility of generic pharmaceuticals.

(3) The Congressional Budget Office estimates that—

(A) the substitution of generic pharmaceuticals for brand-name pharmaceuticals will save purchasers of pharmaceuticals between $8,000,000,000 and $10,000,000,000 each year; and

(B) quality generic pharmaceuticals cost between 25 percent and 60 percent less than brand-name pharmaceuticals, resulting in an estimated average savings of $15 to $30 on each prescription filled.

(4) Generic pharmaceuticals are widely accepted by both consumers and the medical profession, as the market share held by generic pharmaceuticals compared to brand-name pharmaceuticals has more than doubled during the last decade, from approximately 19 percent to 43 percent, according to the Congressional Budget Office.

(b) PURPOSES.—The purposes of this Act are—

(1) to reduce the cost of prescription drugs to the United States Government and to beneficiaries under Federal health care programs while maintaining the quality of health care by encouraging the use of generic drugs rather than nongeneric drugs under those programs whenever feasible; and

(2) to increase the utilization of generic pharmaceuticals by requiring the Food and Drug Administration, where appropriate, to determine that a generic pharmaceutical is the therapeutic equivalent of its brand-name counterpart, and by affording national uniformity to that determination.

TITLE I—ENCOURAGEMENT OF THE USE OF GENERIC DRUGS

SEC. 101. ENCOURAGEMENT OF THE USE OF GENERIC DRUGS UNDER THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following new section:

"SEC. 247. USE OF GENERIC DRUGS ENCOURAGED.

''(a) Each grant or contract entered into under this Act that involves the provision of health care items or services to individuals shall include provisions to ensure that, to the extent feasible, any prescriptions provided for under such grant or contract are filled by providing the generic form of the drug involved, unless the nongeneric form of the drug is—

''(1) specifically ordered by the prescribing provider; or

''(2) requested by the individual for whom the drug is prescribed.

''(b) In this section:

''(1) The term 'generic form of the drug' means a drug that is the subject of an application approved under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)), for which the Secretary has made a determination that the drug is the therapeutic equivalent of a listed drug under section 505(j)(5)(E) of that Act (21 U.S.C. 355(j)(5)(E)).

''(2) The term 'nongeneric form of the drug' means a drug that is the subject of an application approved under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

SEC. 102. APPLICATION TO FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

(a) IN GENERAL.—Section 8902 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(p) To the extent feasible, if a contract under this chapter provides for the provision of, the payment for, or the reimbursement of the cost of any prescription drug, the carrier shall provide, pay, or reimburse the cost of the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), except, if the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

''(1) specifically ordered by the prescribing provider; or

''(2) requested by the individual for whom the drug is prescribed.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any drug furnished during contract years beginning on or after January 1, 2001.

SEC. 103. APPLICATION TO MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1861(t) of the Social Security Act (42 U.S.C. 1395x(t)) is amended by adding at the end the following new paragraph:

''(3) For purposes of paragraph (1), the term 'drugs' means, to the extent feasible, the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of such drug (as defined in section 247(b)(2) of such Act) is—

''(A) specifically ordered by the health care provider; or

''(B) requested by the individual to whom the drug is provided.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

(2) MEDICARE+CHOICE PLANS.—In the case of a Medicare+Choice plan offered by a Medicare+Choice organization under part C of title XVIII of the Social Security Act (42 U.S.C. 1395w–21 et seq.), the amendment made by this section shall apply to any drug furnished during contract years beginning on or after January 1, 2001.

SEC. 104. APPLICATION TO MEDICAID PROGRAM.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (64), by striking ''and'' at the end;

(2) in paragraph (65), by striking the period at the end and inserting ''; and''; and

(3) by adding the following new paragraph:

''(66) provide that the State shall, in conjunction with the program established under section 1927(g), to the extent feasible, provide for the use of a generic form of a drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act is—

''(A) specifically ordered by the provider; or

''(B) requested by the individual to whom the drug is provided.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished under State plans that are approved or renewed on or after the date of enactment of this Act.

SEC. 105. APPLICATION TO INDIAN HEALTH SERVICE.

(a) IN GENERAL.—Title II of the Indian Health Care Improvement Act (25 U.S.C. 1621 et seq.) is amended by adding at the end the following new subsection:

"SEC. 225. USE OF GENERIC DRUGS ENCOURAGED.

''In providing health care items or services under this Act, the Indian Health Service shall ensure that, to the extent feasible, any prescriptions that are provided for under this Act are filled by providing the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act) involved, unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

''(1) specifically ordered by the prescribing provider; or

''(2) requested by the individual for whom the drug is prescribed.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

SEC. 106. APPLICATION TO VETERANS PROGRAMS.

(a) USE OF GENERIC DRUGS ENCOURAGED.—Subchapter III of chapter 17 of title 38, United States Code, is amended by inserting after section 1722A the following new section:

"§ 1722B. Use of generic drugs encouraged

''When furnishing a prescription drug under this chapter, the Secretary shall furnish a generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

''(1) specifically ordered by the prescribing provider; or

''(2) requested by the individual for whom the drug is prescribed.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1722A the following new item:

''1722B. Use of generic drugs encouraged.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

SEC. 107. APPLICATION TO RECIPIENTS OF UNIFORMED SERVICES HEALTH CARE.

(a) USE OF GENERIC DRUGS ENCOURAGED.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1110. Use of generic drugs encouraged

''The Secretary of Defense shall ensure that, whenever feasible, each health care provider who furnishes a drug furnishes the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

''(1) specifically ordered by the prescribing provider; or

''(2) requested by the individual for whom the drug is prescribed.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1109 the following new item:

''1110. Use of generic drugs encouraged.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

SEC. 108. APPLICATION TO FEDERAL PRISONERS.

(a) IN GENERAL.—Section 4006(b) of title 18, United States Code, is amended by adding at the end the following new paragraph:

''(3) USE OF GENERIC DRUGS ENCOURAGED.—The Attorney General shall ensure that, whenever feasible, each health care provider who furnishes a drug to a prisoner charged with or convicted of an offense against the United States furnishes the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

''(A) specifically ordered by the prescribing provider; or

''(B) requested by the prisoner for whom the drug is prescribed.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

TITLE II—THERAPEUTIC EQUIVALENCE REQUIREMENTS FOR GENERIC DRUGS

SEC. 201. THERAPEUTIC EQUIVALENCE OF GENERIC DRUGS.

(a) IN GENERAL.—Section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) is amended—

(1) in paragraph (5), by adding at the end the following new subparagraph:

''(E)(i) For each abbreviated application filed under paragraph (1), the Secretary shall determine whether the new drug for which the application is filed is the therapeutic equivalent of the listed drug referred to in paragraph (2)(A)(i) prior to the approval of the application.

''(ii) For purposes of clause (i), a new drug is the therapeutic equivalent of a listed drug if—

''(I) each active ingredient of the new drug and the listed drug is the same;

''(II) the new drug and the listed drug (aa) are of the same dosage form; (bb) have the same route of administration; (cc) are identical in strength or concentration; (dd) meet the same compendial or other applicable standards, except that the drugs may differ in shape, scoring, configuration, packaging, excipient, expiration time, or, subject to paragraph (2)(A)(v), labeling; and (ee) are expected to have the same clinical effect and safety profile when administered to patients under conditions specified in the labeling; and

''(III) the new drug does not (aa) present a known or potential bioequivalence problem and meets an acceptable in vitro standard; or (bb) if the new drug presents a known or potential bioequivalence problem, the drug is shown to meet an appropriate bioequivalence standard.

''(iii) With respect to a new drug for which an abbreviated application is filed under

paragraph (1), the provisions of this subparagraph shall supersede any provisions of the law of any State relating to the determination of the therapeutic equivalence of the drug to a listed drug.''; and

(2) in paragraph (7)(A), by adding at the end the following:

''(iv) The Secretary shall include in each revision of the list under clause (ii) on or after the date of enactment of this clause the official and proprietary name of each listed drug that is therapeutically equivalent to a new drug approved under this subsection during the preceding 30-day period, as determined under paragraph (5)(E).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

TITLE III—GENERIC PHARMACEUTICALS AND MEDICARE REFORM

SEC. 301. SENSE OF THE SENATE REGARDING A PREFERENCE FOR THE USE OF GENERIC PHARMACEUTICALS UNDER THE MEDICARE PROGRAM.

It is the sense of the Senate that legislative language requiring, to the extent feasible, a preference for the safe and cost-effective use of generic pharmaceuticals should be considered in conjunction with any legislation that adds a comprehensive prescription drug benefit to the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).●

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2502. A bill to establish in the Office of the Architect of the Capitol the position of Director of Fire Safety and Protection to assume responsibility for fire safety and protection activities of the Architect of the Capitol, and for other purposes; to the Committee on Rules and Administration.

UNITED STATES CAPITOL FIRE PROTECTION ACT

Mr. SARBANES. Mr. President, today I am introducing legislation, together with my colleague, Senator MIKULSKI, to enhance fire safety and protection in the United States Capitol and the buildings within the Capitol Complex.

Last year, in response to a request made by congressional employees under the Congressional Accountability Act of 1995, the General Counsel of the Office of Compliance conducted a fire safety inspection of the Capitol Complex. The resulting report, the Report on Fire Safety Inspections of Congressional Buildings, outlined an alarming number of fire code violations in the U.S. Capitol, as well as the House and Senate Office Buildings. The report identified significant fire code violations existing throughout every one of these buildings, including, but not limited to, ''lack of fire barriers to retard the spread of fire and smoke, inadequate exit signs and exit capacity, deficient emergency lighting, limited sprinkler coverage, and dangerous storage of flammable and toxic materials.'' Furthermore, in March, the Office of Compliance issued eight citations ordering the Architect of the Capitol, who is responsible for fire safety and protection within the Complex, to take action to increase fire alarm and sprinkler systems testing and improve the training of staff in the handling of hazardous materials.

My legislation seeks to address these fire code violations by improving upon the expertise and accountability of the Office of the Architect of the Capitol with regard to fire safety. The measure establishes a position to be appointed by and responsible to the Architect to meet his responsibility for fire safety and protection within the Capitol Complex. The Director of Fire Safety and Protection will work to ensure that all properties under the jurisdiction of the Architect, including the U.S. Capitol, House and Senate Office Buildings, Library of Congress, U.S. Botanical Gardens, and the Capitol Power Plant, meet the applicable codes and standards established by the National Fire Protection Association. The Director will be responsible for conducting regular inspections of the properties, as well as their fire alarm and protection systems, and training employees of the Architect of the Capitol in the proper use and maintenance of these systems and the storage of hazardous chemicals and materials. This legislation would also require the Director to make semiannual reports to the Congress on the progress of his or her efforts in making the Capitol Complex fire-safe.

As a longtime advocate for historic preservation, I want to stress that this legislation recognizes the historic nature of the buildings under the jurisdiction of the Architect and provides the Director with the flexibility necessary to ensure that the properties are preserved and rehabilitated in such a manner to retain their historical and architectural significance.

Mr. President, the United States Capitol Fire Protection Act is an important step in addressing a critical situation. I urge my colleagues to support its passage.

ADDITIONAL COSPONSORS

S. 2

At the request of Ms. LANDRIEU, her name was withdrawn as a cosponsor of S. 2, a bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

S. 344

At the request of Mr. BOND, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 344, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 345

At the request of Mr. ALLARD, the names of the Senator from Virginia (Mr. ROBB) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 505

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 505, a bill to give gifted and talented students the opportunity to develop their capabilities.

S. 577

At the request of Mr. HATCH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 682

At the request of Mr. SMITH of Oregon, his name was added as a cosponsor of S. 682, a bill to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercounty Adoption, and for other purposes.

S. 702

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 702, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 729

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 729, a bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

S. 832

At the request of Mr. FRIST, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 832, a bill to extend the commercial space launch damage indemnification provisions of section 70113 of title 49, United States Code.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1361

At the request of Mr. STEVENS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1361, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1690

At the request of Mr. MACK, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1690, a bill to require the United States to take action to provide bilateral debt relief, and improve the provision of multilateral debt relief, in order to give a fresh start to poor countries.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Ohio (Mr. VOINOVICH), the Senator from Minnesota (Mr. GRAMS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 2044

At the request of Mr. CAMPBELL, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2044, a bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps.

S. 2070

At the request of Mr. FITZGERALD, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2071

At the request of Mr. GORTON, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2071, a bill to benefit electricity consumers by promoting the reliability of the bulk-power system.

S. 2112

At the request of Mr. TORRICELLI, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2112, a bill to provide housing assistance to domestic violence victims.

S. 2183

At the request of Mr. CRAPO, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2183, a bill to ensure the availability of spectrum to amateur radio operators.

S. 2217

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. BINGAMAN) 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. 2224

At the request of Mr. JEFFORDS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2224, a bill to amend the Energy Policy and Conservation Act to encourage summer fill and fuel budgeting programs for propane, kerosene, and heating oil.

S. 2231

At the request of Mr. COVERDELL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2231, a bill to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the ''I Have A Dream'' speech.

S. 2280

At the request of Mr. MCCONNELL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2280, a bill to provide for the effective punishment of online child molesters.

S. 2287

At the request of Mr. L. CHAFEE, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environment 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. 2297

At the request of Mr. CRAPO, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Colorado (Mr. ALLARD), the Senator from Vermont (Mr. LEAHY) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 2297, a bill to reauthorize the Water Resources Research Act of 1984.

S. 2299

At the request of Mr. L. CHAFEE, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2320

At the request of Mr. JEFFORDS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2320, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for health insurance costs, and for other purposes.

S. 2330

At the request of Mr. ROTH, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2367

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2367, a bill to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under the Act.

S. 2417

At the request of Mr. CRAPO, the names of the Senator from Washington, (Mr. GORTON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs and for other purposes.

S. 2477

At the request of Mr. GRASSLEY, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Montana (Mr. BURNS), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors 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. 2486

At the request of Mr. WARNER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 2486, a bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes.

S. CON. RES. 84

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding the naming of aircraft carrier CVN–77, the last vessel of the historic ''*Nimitz*'' class of aircraft carriers, as the U.S.S. LEXINGTON.

AMENDMENT NO. 3103

At the request of Mr. AKAKA, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 3103 intended to be proposed to S. 2, a bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

SENATE RESOLUTION 302—EXPRESSING THE SENSE OF THE SENATE THAT THE HEALTH CARE FINANCING ADMINISTRATION SHOULD CONSIDER CURRENT SYSTEMS THAT PROVIDE BETTER, MORE COST EFFECTIVE EMERGENCY TRANSPORT BEFORE PROMULGATING ANY FINAL RULE REGARDING THE DELIVERY OF EMERGENCY MEDICAL SERVICES

Mr. TORRICELLI (for himself and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 302

Whereas the State of New Jersey developed and implemented a unique 2-tiered emergency medical services system nearly 25 years ago as a result of studies conducted in New Jersey about the best way to provide services to State residents;

Whereas the 2-tiered system established in New Jersey includes volunteer and for-profit emergency medical technicians who provide basic life support and hospital-based paramedics who provide advanced life support;

Whereas the New Jersey system has provided universal access for all New Jersey residents to affordable emergency services, while simultaneously ensuring that those persons in need of the most advanced care receive such care from the proper authorities;

Whereas the New Jersey system currently has an estimated 20,000 emergency medical technicians providing ambulance transportation for basic life support and advanced life support emergencies, over 80 percent of which are handled by volunteers who are not reimbursed under the medicare program under title XVIII of the Social Security Act;

Whereas the hospital-based paramedics, also known as mobile intensive care units, are reimbursed under the medicare program when they respond to advanced life support emergencies;

Whereas the New Jersey system saves the lives of thousands of New Jersey residents each year, while saving the medicare program an estimated $39,000,000 in reimbursement fees;

Whereas when Congress requested that the Health Care Financing Administration enact changes to the emergency medical services fee schedule as a result of the Balanced Budget Act of 1997, including a general overhaul of reimbursement rates and administrative costs, it was in the spirit of streamlining the agency, controlling skyrocketing healthcare costs, and lengthening the solvency of the medicare program;

Whereas the Health Care Financing Administration is considering implementing new emergency medical services reimbursement guidelines that would destabilize or eliminate the 2-tier system that has developed in the State of New Jersey: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Health Care Financing Administration should—

(1) consider the unique nature of the emergency medical services delivery system in New Jersey when implementing new reimbursement guidelines for paramedics and hospitals under the medicare program under title XVIII of the Social Security Act; and

(2) promote innovative emergency medical service systems enacted by States that reduce reimbursement costs to the medicare program while ensuring that all residents receive quick and appropriate emergency care when needed.

Mr. TORRICELLI. Mr. President, I rise today to submit a resolution that would greatly improve the lives of thousands of New Jersey residents.

Healthcare in New Jersey has a long history of innovation and advancement. From the large number of pharmaceutical companies that create new medicines, to the hospitals and facilities where innovative therapies are develop, New Jersey remains one of the most progressive healthcare States in the country. This State was one of the first to introduce and pass a comprehensive patient's bill of rights, and one of the first to recognize the importance of expanding access to healthcare to children and low income families.

One of New Jersey's greatest innovations, and one which truly demonstrates the community based approach which has been so successful, is the development of our Emergency Medical Services (EMS) system. The current EMS system in New Jersey, which has been in place for roughly 25 years, was designed as a modern remedy to the age old problem of guaranteeing access to emergency transport, while at the same time preserving local involvement in the delivery of services and preventing skyrocketing costs.

The New Jersey EMS system accomplished all three goals by establishing a two-tiered approach to emergency transport. This two-tiered system includes volunteer and for-profit Emergency Medical Technicians (EMTs) who provide basic life support (BLS), and hospital-based paramedics, who provide advanced life support (ALS). Basic and advanced life support are differentiated by the status of the victim, with the most serious injuries, such as heart attacks, treated by ALS paramedics.

The two-tiered system has been an unqualified success in New Jersey, providing universal access for all residents to affordable emergency services, while simultaneously ensuring that those persons in need of the most advanced care receive it from the proper authorities. The system allows almost 500 local volunteer emergency medical technician (EMT) squads to blanket the entire State with quick and effective initial responses to emergencies. In the case of more serious emergencies, paramedics are strategically stationed at various hospitals throughout the State to provide secondary assistance. In either case, the EMTs will generally transport patients to the hospital with the paramedics, if necessary, along to provide care.

There are currently an estimated 20,000 EMTs providing ambulance transportation for virtually all BLS and ALS emergencies, close to 400,000 calls each year. It is estimated that over 80 percent of these calls are handled by volunteers who are not reimbursed by Medicare. In contrast, the hospital-based paramedics, also known as mobile intensive care units (MICUs), are reimbursed by Medicare when they respond to ALS emergencies, just as all other paramedics.

Unfortunately, the great success of this system would be jeopardized if the Health Care Financing Administration (HCFA) finalizes plans to implement new rules regarding the reimbursement of EMS services. The new HCFA EMS guidelines propose to only provide reimbursement to hospital-based paramedics. This would have the effect of requiring them to be the only responders to provide transport for all victims in order to be reimbursed by Medicare. This, in turn, would eliminate the two-tier structure by solely recognizing MICUs, and thus also eliminate the need for volunteer EMS units, which currently provide the bulk of the transport. Under the new rules, there would be no incentive for EMS units to respond to calls of they know their mission has been given to MICUs.

While I applaud HCFAs intentions in releasing the new rules, which are designed to control costs by enforcing one, standardized, system throughout the country, I am dismayed by the impact this will have on New Jersey. Our system, when compared to the system HCFA is set to approve, would save an estimated $39 million annually, due to the preponderance of BLS calls and the large number of EMS volunteers who respond to these calls. But beyond the cost savings, the elimination of EMS units would jeopardize the prompt service that New Jersey residents have come to rely on.

The resolution I am submitting today seeks to emphasize the benefits of two-tiered EMS in my State, and request that HCFA do its best to preserve this highly beneficial and cost effective system. HCFA has always been a strong supporter of measures that improve the delivery of healthcare services, while lowering the cost to taxpayers. I believe that once they have been made fully aware of the importance of this issue, the agency will act responsibly and include an exemption for New Jersey.

It is my hope that the Senate will see the importance of supporting my resolution, not just for the impact it will have on the residents of my State, by also for the statement it will make about the Heath Care Financing Administration's mission.

AMENDMENTS SUBMITTED

EDUCATIONAL OPPORTUNITIES ACT

GORTON (AND OTHERS) AMENDMENT NO. 3110

Mr. GORTON (for himself, Mr. GREGG, Mr. LOTT, Mr. COVERDELL, Ms. COLLINS, and Mr. VOINOVICH) proposed an amendment to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965, as follows:

On page 630, strike lines 24 and 25.

On page 653, strike lines 12 through 22.

On page 654, between lines 16 and 17, insert the following:

''(12) ACHIEVEMENT GAP REDUCTIONS.—An assurance that the State will reduce by 10 percent over the 5-year term of the performance agreement, the difference between the highest and lowest performing groups of students described in section 6803(d)(5)(C) that meet the State's proficient and advanced level of performance.

''(13) SERVING DISADVANTAGED SCHOOLS AND SCHOOL DISTRICTS.—An assurance that the State will use funds made available under this part to serve disadvantaged schools and school districts.

On page 656, beginning with line 22, strike all through page 657, line 5, and insert the following:

''(9) Section 1502.

''(10) Any other provision of this Act that is not in effect on the date of enactment of

the Educational Opportunities Act under which the Secretary provides grants to States on the basis of a formula.

''(11) Section 310 of the Department of Education Appropriations Act, 2000.

On page 657, line 6, strike ''(11)'' and insert ''(12)''.

On page 657, line 9, strike ''(12)'' and insert ''(13)''.

On page 657, line 21, insert ''that are consistent with part A of title X and'' after ''purposes''.

On page 665, strike lines 16 through 18, and insert the following:

''To the extent that the provisions of this part are inconsistent with part A of title X, part A of title X shall be construed as superseding such provisions.

On page 846, line 15, strike ''and''.

On page 846, between lines 15 and 16, insert the following:

''(E) part H of title VI; and

On page 846, line 16, strike ''(E)'' and insert ''(F)''.

DASCHLE (AND OTHERS) AMENDMENT NO. 3111

Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. WELLSTONE, and Mr. DURBIN) proposed an amendment to the bill, S. 2, supra; as follows:

In the committee substitute strike all after ''section 1'' on page 4 line 14 and insert the following:

1. SHORT TITLE.

This Act may be cited as the ''Educational Excellence for All Children Act of 2000''.

SEC. 2. TABLE OF CONTENTS; REFERENCES.

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

Sec. 1. Short title.
Sec. 2. Table of contents; references.
Sec. 3. America's education goals.
Sec. 4. Transition.
Sec. 5. Effective dates.

TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

Sec. 101. Policy and purpose.
Sec. 102. Authorization of appropriations.
Sec. 103. Reservation and allocation for school improvement.

PART A—BASIC PROGRAMS

Sec. 111. State plans.
Sec. 112. Local educational agency plans.
Sec. 113. Eligible school attendance areas.
Sec. 114. Schoolwide programs.
Sec. 115. Targeted assistance schools.
Sec. 116. Assessment and local educational agency and school improvement.
Sec. 117. Assistance for school support and improvement.
Sec. 118. Parental involvement.
Sec. 119. Professional development.
Sec. 120. Participation of children enrolled in private schools.
Sec. 120A. Fiscal requirements.
Sec. 120B. Early childhood education.
Sec. 120C. Allocations.

PART B—EVEN START FAMILY LITERACY PROGRAMS

Sec. 121. Even start family literacy programs.

PART C—EDUCATION OF MIGRATORY CHILDREN

Sec. 131. Program purpose.
Sec. 132. State application.
Sec. 133. Comprehensive plan.
Sec. 134. Coordination.

PART D—PARENTAL ASSISTANCE

Sec. 141. Parental assistance.
Sec. 142. Child opportunity zone family centers.

PART E—GENERAL PROVISIONS; COMPREHENSIVE SCHOOL REFORM; ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

Sec. 151. General provisions; comprehensive school reform; assistance to address school dropout problems.

TITLE II—PROFESSIONAL DEVELOPMENT FOR TEACHERS

Sec. 201. Teacher quality.
Sec. 202. Technical assistance programs.
Sec. 203. Grants to States for the training of principals.
Sec. 204. Scholarships for inviting new scholars to participate in renewing education.
Sec. 205. Mentor teacher program.
Sec. 206. Teacher technology preparation academies.
Sec. 207. New century program and digital education content collaborative.

TITLE III—TECHNOLOGY FOR EDUCATION

Sec. 300. Short title.

PART A—FEDERAL LEADERSHIP AND NATIONAL ACTIVITIES

Sec. 301. Findings.
Sec. 302. Statement of purpose.
Sec. 303. Prohibition against supplanting.
Sec. 304. Repeals.
Sec. 305. Federal leadership and national activities.
Sec. 306. Allotment and reallotment.
Sec. 307. Technology literacy challenge fund.
Sec. 308. State application.
Sec. 309. Local uses of funds.
Sec. 310. Local applications.
Sec. 311. Repeals; conforming changes; redesignations.
Sec. 312. Definitions; authorization of appropriations.
Sec. 313. Regional technology in education consortia.

PART B—STAR SCHOOLS PROGRAM; COMMUNITY TECHNOLOGY CENTERS.

Sec. 321. Star schools program.
Sec. 322. Community technology centers.

PART C—READY-TO-LEARN TELEVISION

Sec. 331. Ready-to-learn television.

PART D—SPECIAL PROJECTS; NEXT-GENERATION TECHNOLOGY INNOVATION AWARDS

Sec. 341. Special projects; next-generation technology innovation awards.

PART E—PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY

Sec. 351. Preparing tomorrow's teachers to use technology.

PART F—REGIONAL, STATE, AND LOCAL EDUCATIONAL TECHNOLOGY RESOURCES

Sec. 361. Regional, State, and local educational technology resources.

TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

Sec. 401. Amendment to the elementary and secondary education act of 1965.
Sec. 402. Gun-free requirements.
Sec. 403. Transfer of school disciplinary records.
Sec. 404. Environmental tobacco smoke.

TITLE V—EDUCATIONAL OPPORTUNITY INITIATIVES

Sec. 501. Educational opportunity initiatives.

PART A—MAGNET SCHOOLS ASSISTANCE

Sec. 511. Magnet schools assistance.

PART B—PUBLIC CHARTER SCHOOLS

Sec. 521. Public charter schools.

PART C—OPTIONS: OPPORTUNITIES TO IMPROVE OUR NATION'S SCHOOLS

Sec. 531. Options: Opportunities to Improve Our Nation's Schools.

PART D—WOMEN'S EDUCATIONAL EQUITY

Sec. 541. Women's educational equity.

PART E—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 551. Technical and conforming amendments.

TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES

Sec. 601. High performance and quality education initiatives.
Sec. 602. Technical and conforming amendment.

TITLE VII—BILINGUAL EDUCATION

Sec. 701. Purpose.
Sec. 702. Authorization of appropriations.
Sec. 703. Repeal of program development and implementation grants.
Sec. 703A. Performance objectives.
Sec. 704. Program enhancement projects.
Sec. 705. Comprehensive school and systemwide improvement grants.
Sec. 706. Repeal of systemwide improvement grants.
Sec. 706A. Immigrants to new americans model programs.
Sec. 707. Applications.
Sec. 708. Repeal of intensified instruction.
Sec. 709. Repeal of subgrants, priority, and coordination provisions.
Sec. 710. Evaluations.
Sec. 711. Research.
Sec. 712. Academic excellence awards.
Sec. 713. State grant program.
Sec. 714. National clearinghouse.
Sec. 715. Instructional materials development.
Sec. 716. Training for all teachers program.
Sec. 717. Graduate fellowships.
Sec. 718. Repeal of program requirements.
Sec. 719. Program evaluations.
Sec. 720. Special rule.
Sec. 721. Repeal of finding relating to foreign language assistance.
Sec. 722. Foreign language assistance applications.
Sec. 723. Emergency immigrant education purpose.
Sec. 724. Emergency immigrant education State administrative costs.
Sec. 725. Conforming amendments.
Sec. 726. Emergency immigrant education authorization of appropriations.
Sec. 727. Coordination and reporting requirements.

TITLE VIII—IMPACT AID

Sec. 801. Short title.
Sec. 802. Purpose.
Sec. 803. Payments relating to Federal acquisition of real property.
Sec. 804. Payments for eligible federally connected children.
Sec. 805. Sudden and substantial increases in attendance of military dependents.
Sec. 806. School construction and facility modernization.
Sec. 807. State consideration of payments in providing State aid.
Sec. 808. Federal administration.
Sec. 809. Administrative hearings and judicial review.
Sec. 810. Forgiveness of overpayments.
Sec. 811. Applicability.
Sec. 812. Definitions.
Sec. 813. Authorization of appropriations.
Sec. 814. Technical and conforming amendment.

TITLE IX—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Sec. 901. Programs.
Sec. 902. Indian school construction.
Sec. 903. Conforming amendments.

TITLE X—PROGRAMS OF NATIONAL SIGNIFICANCE

PART A—FUND FOR THE IMPROVEMENT OF EDUCATION; ARTS IN EDUCATION

Sec. 1001. Fund for the Improvement of Education

PART B—GIFTED AND TALENTED CHILDREN
Sec. 1010. Gifted and talented children
PART C—HIGH SCHOOL REFORM
Sec. 1021. High school reform.
PART D—ARTS IN EDUCATION
Sec. 1031. Arts in education.
PART E—EXCELLENCE IN ECONOMIC EDUCATION
Sec. 1041. Excellence in economic education.
PART F—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES
Sec. 1051. Elementary and secondary school library media resources.
PART G—FOREIGN LANGUAGE ASSISTANCE PROGRAM
Sec. 1061. Foreign language assistance program.
PART H—21ST CENTURY COMMUNITY LEARNING CENTERS
Sec. 1071. 21st Century community learning centers.
PART I—INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK STUDENTS
Sec. 1081. Initiatives for neglected, delinquent, or at risk students.
PART J—NATIONAL WRITING PROJECT
Sec. 1091. National writing project.
PART L—ADVANCED PLACEMENT PROGRAMS
Sec. 1095. Advanced placement programs.
Sec. 1096. Dissemination of advanced placement information.
TITLE XI—GENERAL PROVISIONS, DEFINITIONS AND ACCOUNTABILITY
Sec. 1101. Definitions.
Sec. 1102. Administrative funds.
Sec. 1103. Coordination of programs.
Sec. 1104. Waivers.
Sec. 1105. Uniform provisions.
Sec. 1106. Repeal.
Sec. 1107. Evaluation and indicators.
Sec. 1108. Coordinated services.
Sec. 1109. Redesignations.
Sec. 1110. Ed-flex partnerships.
Sec. 1111. Accountability.
Sec. 1112. America's education goals panel.
TITLE XII—PUBLIC SCHOOL REPAIR AND RENOVATION
Sec. 1201. Public school repair and renovation.
TITLE XIII—COMPREHENSIVE REGIONAL ASSISTANCE CENTERS
TITLE XIV—AMENDMENTS TO OTHER LAWS; REPEALS
PART A—AMENDMENTS TO OTHER LAWS
Sec. 1401. Amendments to the stewart b. mckinney homeless assistance act.
Sec. 1402. Amendments to other laws.
PART B—REPEALS
Sec. 1411. Repeals.

(b) 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. AMERICA'S EDUCATION GOALS.

(a) FINDINGS.—The Congress finds that:

(1) America's Education Goals (formerly the National Education Goals) are very ambitious, and purposely designed to set high expectations for educational performance at every stage of an individual's life, from the preschool years through adulthood.

(2) With a focus by policymakers, educators, and the public on the Goals, the Nation will be able to raise its overall level of educational achievement.

(3) Since the 1990 adoption of the National Education Goals, some progress has been made toward achieving those Goals. Areas in which the Nation has made progress toward these Goals during the last decade include:

(A) On Goal #1, that all children will start school ready to learn, there has been an increase in the percentages of—

(i) preschool children whose parents read to them or tell them stories; and

(ii) 2-year-old children who have been fully immunized against preventable childhood diseases.

(B) On Goal #3, that all students demonstrate competency over challenging subject matter, the percentage of fourth, eighth, and twelfth grade students who meet the Goals Panel's performance standard in mathematics has increased.

(C) On Goal #5, that United States students become first in the world in mathematics and science achievement, the percentage of all college degrees awarded that are in mathematics and science has increased for all students.

(D) On Goal #7, that every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol, the percentage of students who report that they have been threatened or injured at school has decreased.

(4) Areas in which the Nation has been unsuccessful in making progress toward these Goals during the last decade include:

(A) On Goal #4, that all teachers have access to programs for the continued improvement of their professional skills, the percentage of secondary school teachers who hold a degree in the subject that is their main teaching assignment has decreased.

(B) On Goal #6, that every adult will be literate and prepared to compete in the global economy and exercise the rights of citizenship—

(i) fewer adults with a high school diploma or less, and who need additional training, are participating in adult education than individuals who have a postsecondary education; and

(ii) the difference between the percentage of Black high school graduates who complete a college degree and the percentage of white high school graduates who complete a college degree has increased.

(C) On Goal #7, that every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol—

(i) the percentage of students reporting that they have used an illicit drug, or that someone offered to sell or give them drugs, has increased;

(ii) the percentage of public school teachers who report that they were threatened or injured at school has increased; and

(iii) a higher percentage of secondary school teachers report that student disruptions in their classrooms interfere with their teaching.

(5) Because States began the 1990s at various levels of achievement with respect to each of the Goals, the time and effort needed to reach the Goals will vary from State to State and from Goal to Goal.

(6) Individual States have made significant progress toward the Goals, and some States have made progress in multiple areas. Areas in which States have made progress toward the Goals during the last decade include:

(A) With respect to Goal #1, that all children will start school ready to learn—

(i) 35 States have reduced the percentage of infants born with one or more of four health risks;

(ii) 50 States have increased the percentage of mothers receiving early prenatal care; and

(iii) 47 States have increased the percentage of children with disabilities participating in preschool.

(B) With respect to Goal #2, that at least 90 percent of all students graduate from high school—

(i) 10 States have increased the percentage of young adults who have a high school diploma; and

(ii) 3 States have reduced the percentage of students in grades 9 through 12 who leave school without completing a recognized program of secondary education.

(C) With respect to Goal #3, that all students demonstrate competency over subject matter—

(i) 27 States have increased the percentage of 8th-grade students who achieved to at least the ''proficient'' standard on the 1996 National Assessment of Educational Progress (NAEP) in mathematics; and

(ii) 50 States have increased the percentage of students that received a score on an Advanced Placement examination that permitted the students to earn college credits in the subject area tested.

(D) With respect to Goal #4, that all teachers have access to programs for the continued improvement of their professional skills, 17 States have increased the percentage of public school teachers who received support from a master or mentor teacher during their first year of teaching.

(E) With respect to Goal #5, that United States students become first in the world in mathematics and science achievement—

(i) 47 States have increased the percentage of all degrees that were awarded in mathematics and science;

(ii) 33 States have increased the percentage of all degrees in mathematics and science that were awarded to minority students; and

(iii) 42 States have increased the percentage of all degrees in mathematics and science that were awarded to female students.

(F) With respect to Goal #6, that every adult will be literate and prepared to compete in the global economy and exercise the rights of citizenship—

(i) 39 States have increased the percentage of high school graduates who immediately enroll in an institution of higher education; and

(ii) 10 States have increased the percentage of their citizens who registered to vote.

(G) With respect to Goal #8, that every school will promote partnerships that increase parental involvement, 17 States have increased the influence of parent associations in setting public school policies.

(7) Areas in which States have been unsuccessful in making progress toward these Goals during the 1990s include:

(A) On Goal #1, that all children will start school ready to learn, the percentage of infants born at low birthweight has increased in 32 States.

(B) On Goal #2, that at least 90 percent of all students graduate from high school, the high school dropout rate has increased in 10 States.

(C) On Goal #6, that every adult will be literate and prepared to compete in the global economy and exercise the rights of citizenship, lower percentages of students are enrolling in college immediately after high school in 11 States.

(D) On Goal #7, that every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol—

(i) student use of marijuana has increased in 16 States;

(ii) the percentage of students who report that drugs are available on school property has increased in 15 States; and

(iii) the percentage of public school teachers reporting that student disruptions in class interfere with their teaching has increased in 37 States.

(8) The continued pursuit of these Goals is necessary to ensure continued, and more evenly distributed, progress across our Nation.

(9) Federal programs and policies have contributed to States' ability to offer high-quality education to all students and have helped States to implement reforms intended to raise the achievement level of every child.

(10) Even though all the Goals have not been reached, nor accomplished to equal degrees, there is a continued need to reaffirm these Goals as a benchmark to which all students can strive and attain.

(b) AMERICA'S EDUCATION GOALS.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) by amending the heading for section 1 to read as follows: ''**SHORT TITLE.**''; and

(2) by inserting after section 1 the following:

''SEC. 2. PURPOSE.

''It is the purpose of this Act to support programs and activities that will improve the Nation's schools and enable all children to achieve high standards.

''SEC. 3. AMERICA'S EDUCATION GOALS.

''(a) PURPOSE.—It is the purpose of this section to—

''(1) set forth a common set of national goals for the education of our Nation's students that the Federal Government and all States and local communities will work to achieve;

''(2) identify the Nation's highest education priorities related to preparing students for responsible citizenship, further learning, and the technological, scientific, and economic challenges of the 21st century; and

''(3) establish a framework for educational excellence at the national, State, and local levels.

''(b) AMERICA'S EDUCATION GOALS.—The Congress declares that America's Education Goals are the following:

''(1) SCHOOL READINESS.—(A) All children in America will start school ready to learn.

''(B) The objectives for this goal are that—

''(i) all children will have access to high-quality, and developmentally appropriate, preschool programs that help prepare children for school;

''(ii) every parent in the United States will be a child's first teacher, and devote time each day to helping his or her preschool child learn, and parents will have access to the training and support they need; and

''(iii) children will receive the nutrition, physical activity, and health care needed to arrive at school with healthy minds and bodies, and to maintain the mental alertness necessary to be prepared to learn, and the number of low-birthweight babies will be significantly reduced through enhanced prenatal health systems.

''(2) SCHOOL COMPLETION.—(A) The high school graduation rate will increase to at least 90 percent.

''(B) The objectives for this goal are that—

''(i) the Nation will dramatically reduce its school dropout rate, and 75 percent of the students who do drop out will successfully complete a high school degree or its equivalent; and

''(ii) the gap in high school graduation rates between American students from minority backgrounds and their non-minority counterparts will be eliminated.

''(3) STUDENT ACHIEVEMENT AND CITIZENSHIP.—(A) All students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our Nation's modern economy.

''(B) The objectives for this goal are that—

''(i) the academic performance of all students at the elementary and secondary level will increase significantly in every quartile, and the distribution of minority students in each quartile will more closely reflect the student population as a whole;

''(ii) the percentage of all students who demonstrate the ability to reason, solve problems, apply knowledge, and write and communicate effectively will increase substantially;

''(iii) all students will be involved in activities that promote and demonstrate good citizenship, good health, community service, and personal responsibility;

''(iv) all students will have access to physical education and health education to ensure they are healthy and fit;

''(v) the percentage of all students who are competent in more than one language will substantially increase; and

''(vi) all students will be knowledgeable about the diverse cultural heritage of this Nation and about the world community.

''(4) TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT.—(A) The Nation's teaching force will have access to programs for the continued improvement of its professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.

''(B) The objectives for this goal are that—

''(i) all teachers will have access to preservice teacher education and continuing professional development activities that will provide such teachers with the knowledge and skills needed to teach to an increasingly diverse student population with a variety of educational, social, and health needs;

''(ii) all teachers will have continuing opportunities to acquire additional knowledge and skills needed to teach challenging subject matter and to use emerging new methods, forms of assessment, and technologies;

''(iii) States and school districts will create integrated strategies to attract, recruit, prepare, retrain, and support the continued professional development of teachers, administrators, and other educators, so that there is a highly talented work force of professional educators to teach challenging subject matter; and

''(iv) partnerships will be established, whenever possible, among local educational agencies, institutions of higher education, parents, and local labor, business, and professional associations to provide and support programs for the professional development of educators.

''(5) MATHEMATICS AND SCIENCE.—(A) United States students will be first in the world in mathematics and science achievement.

''(B) The objectives for this goal are that—

''(i) mathematics and science education, including the metric system of measurement, will be strengthened throughout the education system, especially in the early grades;

''(ii) the number of teachers with a substantive background in mathematics and science, including the metric system of measurement, will increase; and

''(iii) the number of United States undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering will increase significantly.

''(6) ADULT LITERACY AND LIFELONG LEARNING.—(A) Every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

''(B) The objectives for this goal are that—

''(i) every major American business will be involved in strengthening the connection between education and work;

''(ii) all workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to emerging new technologies, work methods, and markets through public and private educational, vocational, technical, workplace, or other programs;

''(iii) the number of high-quality programs, including those at libraries, that are designed to serve more effectively the needs of the growing number of part-time and midcareer students will increase substantially;

''(iv) the proportion of qualified students, especially minorities, who enter college, who complete at least two years, and who complete their degree programs will increase substantially;

''(v) the proportion of college graduates who demonstrate an advanced ability to think critically, communicate effectively, and solve problems will increase substantially; and

''(vi) schools, in implementing comprehensive parent involvement programs, will offer more adult literacy, parent training and lifelong learning opportunities to improve the ties between home and school, and enhance parents' work and home lives.

''(7) SAFE, DISCIPLINED, AND ALCOHOL- AND DRUG-FREE SCHOOLS.—(A) Every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol, and will offer a disciplined environment conducive to learning.

''(B) The objectives for this goal are that—

''(i) every school will implement a firm and fair policy on use, possession, and distribution of drugs and alcohol;

''(ii) parents, businesses, and governmental and community organizations will work together to ensure the rights of students to study in a safe and secure environment that is free of drugs and crime, and that schools provide a healthy environment and a safe haven for all children;

''(iii) every local educational agency will develop and implement a policy to ensure that all schools are free of violence and the unauthorized presence of weapons;

''(iv) every local educational agency will develop a sequential, comprehensive kindergarten through twelfth grade drug and alcohol prevention education program;

''(v) drug and alcohol curriculum will be taught as an integral part of sequential, comprehensive health education;

''(vi) community-based teams will be organized to provide students and teachers with needed support; and

''(vii) every school will work to eliminate sexual harassment.

''(8) PARENTAL PARTICIPATION.—(A) Every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional, and academic growth of children.

''(B) The objectives for this Goal are that—

''(i) every State will develop policies to assist local schools and local educational agencies to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged, limited English proficient, or have disabilities;

''(ii) every school will actively engage parents and families in a partnership that supports the academic work of children at home and shared educational decisionmaking at school; and

''(iii) parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.''.

SEC. 4. TRANSITION.

(a) ACTIONS OF THE SECRETARY.—The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition of programs and activities under the Elementary and Secondary Education Act of 1965, as amended by the Educational Excellence for All Children Act of 2000, from programs and activities under the Elementary and Secondary Education Act of 1965, as such Act was in effect on the date before the date of enactment of this Act.

(b) ACTIONS OF FUNDING RECIPIENTS.—A recipient of funds under the Elementary and Secondary Education Act of 1965, as such Act was in effect the date before the date of enactment of this Act, may use such funds to carry out necessary and reasonable planning and transition activities in order to ensure a smooth implementation of programs and activities under such Act, as amended by this Act.

SEC. 5. EFFECTIVE DATES.

The provisions of this Act shall take effect on July 1, 2000, except that—

(1) those amendments that pertain to programs under the Elementary and Secondary Education Act of 1965 that are conducted by the Secretary on a competitive basis, and the amendments made by [title VIII of this Act,] shall take effect with respect to appropriations for use under those programs for fiscal year 2001 and subsequent fiscal years; and

(2) section 4 of this Act shall take effect upon enactment.

TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

SEC. 101. POLICY AND PURPOSE.

Section 1001 (20 U.S.C. 6301) is amended to read as follows:

''SEC. 1001. STATEMENT OF PURPOSE.

''The purpose of this title is to enable schools to provide opportunities for children served under this title to acquire the knowledge and skills contained in the challenging State content standards and to meet the challenging State student performance standards developed for all children. This purpose should be accomplished by—

''(1) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach such standards;

''(2) providing children an enriched and accelerated educational program, including the use of schoolwide programs or additional services that increase the amount and quality of instructional time so that children served under this title receive at least the classroom instruction that other children receive;

''(3) promoting schoolwide reform and ensuring access of children (from the earliest grades, including prekindergarten) to effective instructional strategies and challenging academic content that includes intensive complex thinking and problem-solving experiences;

''(4) significantly elevating the quality of instruction by providing staff in participating schools with substantial opportunities for professional development;

''(5) coordinating services under all parts of this title with each other, with other educational services, and to the extent feasible, with other agencies providing services to youth, children, and families that are funded from other sources;

''(6) affording parents substantial and meaningful opportunities to participate in the education of their children at home and at school;

''(7) distributing resources in amounts sufficient to make a difference to local educational agencies and schools where needs are greatest;

''(8) improving and strengthening accountability, teaching, and learning by using State assessment systems designed to measure how well children served under this title are achieving challenging State student performance standards expected of all children;

''(9) providing greater decisionmaking authority and flexibility to schools and teachers in exchange for greater responsibility for student performance; and

''(10) giving attention to the role technology can play in professional development and improved teaching and learning.''.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 1002 (20 U.S.C. 6302) is amended—

(1) in subsection (a), by striking ''$7,400,000,000 for fiscal year 1995'' and inserting ''$15,000,000,000 for fiscal year 2001'';

(2) in subsection (b), by striking ''$118,000,000 for fiscal year 1995'' and inserting ''$500,000,000 for fiscal year 2001'';

(3) in subsection (c), by striking ''$310,000,000 for fiscal year 1995'' and inserting ''$400,000,000 for fiscal year 2001'';

(4) by amending subsection (d) to read as follows:

''(d) PARENTAL ASSISTANCE; LOCAL FAMILY INFORMATION CENTERS.—

''(1) IN GENERAL.—For the purpose of carrying out part D, there are authorized to be appropriated $70,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(2) RESERVATION.—Of the amount appropriated under paragraph (1) for a fiscal year—

''(A) the Secretary shall reserve $50,000,000 to carry out part D, other than section 1403A; and

''(B) in the case of any amounts appropriated in excess of $50,000,000 for such fiscal year, the Secretary shall allocate an amount equal to—

''(i) 85 percent of such excess to carry out section 1403A; and

''(ii) 15 percent of such excess to carry out part D, other than section 1403A.'';

(5) by amending subsection (e) to read as follows:

''(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1120(e), there are authorized to be appropriated $15,000,000 for fiscal year 2001, $15,000,000 for fiscal year 2002, and $5,000,000 for fiscal year 2003.'';

(6) in subsection (f), by striking ''1996 and each of the three'' and inserting ''2001 and each of the four'';

(7) by amending subsection (g) to read as follows:

''(g) FEDERAL ACTIVITIES.—

''(1) SECTION 1501.—For the purpose of carrying out section 1501, there are authorized to be appropriated $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.

''(2) SECTION 1502.—For the purpose of carrying out section 1502 there are authorized to be appropriated $25,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.''; and

(8) by adding at the end the following:

''(h) COMPREHENSIVE SCHOOL REFORM.—For the purpose of carrying out part F, there are authorized to be appropriated $200,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.''.

SEC. 103. RESERVATION AND ALLOCATION FOR SCHOOL IMPROVEMENT.

Section 1003 (20 U.S.C. 6303) is amended to read as follows:

''SEC. 1003. RESERVATIONS FOR ACCOUNTABILITY AND SCHOOL IMPROVEMENT.

''(a) STATE RESERVATIONS.—

''(1) AMOUNTS RESERVED.—Each State educational agency receiving funds under part A shall reserve 3 percent of such amount for each of fiscal years 2001 and 2002, and 5 percent of such amount for each of fiscal years 2003 through 2005, to—

''(A) make allotments under paragraph (2); and

''(B) carry out the State educational agency's responsibilities under sections 1116 and 1117, including establishing and supporting the State educational agency's statewide system of technical assistance and support for local educational agencies.

''(2) ALLOTMENTS TO LOCAL EDUCATIONAL AGENCIES.—

''(A) IN GENERAL.—From the amount reserved under paragraph (1) for a fiscal year, a State educational agency shall allot not less than 80 percent of such amount to local educational agencies within the State. In making allotments under this paragraph, the State educational agency shall give first priority to schools and local educational agencies identified for corrective action or in need of improvement under section 1116(c)(5).

''(B) USE OF FUNDS.—Each local educational agency receiving an allotment under subparagraph (A) shall use the allotment to—

''(i) carry out effective corrective action in the local educational agency or the schools identified for corrective action, as the case may be; or

''(ii) achieve substantial improvement in the performance of the schools identified for school improvement.

''(b) NATIONAL ACTIVITIES.—From the total amount appropriated for a fiscal year to carry out this title, the Secretary may reserve not more than 0.30 percent to conduct evaluations and studies, collect data, and carry out other activities.''.

PART A—BASIC PROGRAMS

SEC. 111. STATE PLANS.

Section 1111 (20 U.S.C. 6311) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''the Goals 2000: Educate America Act,'' and inserting ''the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act,''; and

(ii) by striking ''14306'' and inserting ''6506''; and

(B) in paragraph (2), by striking ''14302'' and inserting ''6502'';

(2) in subsection (b)—

(A) in the heading, by striking 'AND ASSESSMENTS' and inserting ', ASSESSMENTS, AND ACCOUNTABILITY';''.

(B) in paragraph (1)—

(i) by amending subparagraph (B) to read as follows:

''(B) The standards described in subparagraph (A) shall be the same standards that the State applies to all schools and children in the State.''; and

(ii) by amending subparagraph (C) to read as follows:

''(C) The State shall have the standards described in subparagraph (A) for elementary school and secondary school children served under this part in subjects determined by the State that include at least mathematics, and reading or language arts, and such standards shall require the same knowledge, skills, and levels of performance for all children.'';

(C) by amending paragraph (2) to read as follows:

''(2) YEARLY PROGRESS.—

''(A) IN GENERAL.—Each State plan shall specify what constitutes adequate yearly

progress in student achievement, under the State's accountability system described in paragraph (3), for each school, local educational agency, and State receiving funds under this part.

''(B) SCHOOLS.—The yearly progress specified in the State plan for schools shall—

''(i) be based on the standards described in paragraph (1) and the valid and reliable assessments aligned to State standards described in paragraph (3), and shall, based on the assessments required under section 1111, include specific numerical yearly progress requirements in each subject and grade included in the State assessments;

''(ii) be defined in a manner that is based on performance on the assessments carried out under this section;

''(iii) compare separately, within the State as a whole, for each local educational agency and each school, the performance and progress of students by each major ethnic and racial group, by English proficient status, and by economically disadvantaged students as compared to nondisadvantaged students (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 individual students);

''(iv) compare the proportion of students at the basic, proficient, and advanced levels of performance with the proportion of students at each of the 3 levels in the same grade in the previous year;

''(v) the numerical goal required in clause (i) for each group of students specified in clause (ii) shall be based on a timeline that ensures that all students in each group of students reach or exceed the proficient level of performance on the assessments required by section 1111 within 10 years of the effective date of this subparagraph; and

''(vi) at the State's discretion, may also include other academic measures such as grade-to-grade promotion rates, rates of completion of the college preparatory curriculum, and 4- year high school completion rates, except that, if a State elects to include such additional indicators, the data for all such indicators shall in all cases be disaggregated as required by clause (ii) and shall not change which schools or local educational agencies would be subject to improvement or corrective action if the discretionary indicators were not included.

''(C) LOCAL EDUCATIONAL AGENCIES.—For a local educational agency to make adequate yearly progress in the first year after the effective date of the Educational Excellence for All Children Act of 2000, not less than 90 percent of the schools within the agency's jurisdiction shall meet their adequate yearly progress goals.

''(D) STATES.—For a State educational agency to make adequate yearly progress in the first year after the effective date of the Educational Excellence for All Children Act of 2000, not less than 90 percent of the local educational agencies within the State educational agency's jurisdiction shall be making adequate yearly progress.

''(E) SCHOOLS.—For an elementary or a secondary school to make adequate yearly progress, not less than 90 percent of each group of students for which data is disaggregated who are enrolled in such school shall have participated in the administration of any State required assessment.'';

(D) in paragraph (3)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''developed or adopted'' and inserting ''in place''; and

(II) by inserting '', not later than the school year 2000-2001,'' after ''will be used'';

(ii) in subparagraph (F)—

(I) in clause (ii), by striking ''and'' after the semicolon;

(II) in clause (iii), by inserting ''and'' after the semicolon; and

(III) by adding at the end the following:

''(iv) the use of assessments written in Spanish for the assessment of Spanish speaking students with limited English proficiency, if Spanish language assessments are more likely than English language assessments to yield accurate and reliable information regarding what those students know and can do in content areas other than English;

''(v) notwithstanding clauses (iii) and (iv), the assessment (using tests written in English) of reading or language arts of any student who has attended school in the United States (excluding the Commonwealth of Puerto Rico) for 3 or more consecutive years for the purpose of school accountability; and

''(vi) a report from each local educational agency that indicates the number and percentage of students excluded from each assessment at each school, including, where statistically sound, disaggregated in accordance with section 1111(b)(3)(I), except that a local educational agency shall be prohibited from providing such information in any case in which to do so would reveal the identity of any individual student;''; and

(iii) by amending subparagraph (H) to read as follows:

''(H) provide individual student interpretive and descriptive reports, which shall include scores or other information on the attainment of student performance standards, such as measures of student course work over time, student attendance rates, student dropout rates, and student participation in advanced level courses;'';

(E) in paragraph (5) by striking ''through the Office of Bilingual Education and Minority Languages Affairs'' and inserting '', but shall not mandate a specific assessment or mode of instruction'';

(F) by striking paragraph (7);

(G) by redesignating paragraphs (4), (5), (6), and (8) as paragraphs (8), (9), (10), and (12), respectively;

(H) by inserting after paragraph (3) the following:

''(4) ACCOUNTABILITY.—

''(A) IN GENERAL.—Each State plan shall demonstrate that the State has developed and is implementing a statewide accountability system that is or will be effective in substantially and continually increasing the numbers and percentages of all students, including the lowest performing students, economically disadvantaged students, disabled students, and students with limited proficiency in English, who meet the State's proficient and advanced levels of performance within 10 years of the date of enactment of the Educational Excellence for All Children Act of 2000. Each State accountability system shall—

''(i) be the same accountability system the State uses for all schools or all local educational agencies in the State, if the State has an accountability system for all schools or all local educational agencies in the State;

''(ii) hold local educational agencies and schools accountable for student achievement in at least reading, mathematics, and, not later than the 2005-2006 school year, science, and in any other subjects that the State may choose; and

''(iii) identify schools and local educational agencies for improvement or corrective action based on failure to make adequate yearly progress as defined in the State plan pursuant to section 1111(b)(2).

''(B) NEED OF IMPROVEMENT; CORRECTIVE ACTION.—The accountability system described in subparagraph (A) and described in the State plan shall also include a procedure for identifying local educational agencies and schools in need of improvement, intervening in those schools, and (when those interventions are not effective) implementing corrective actions not later than 3 years after first identifying such agency or school, that—

''(i) complies with sections 1116 and 1117, including the provision of technical assistance, professional development, and other capacity-building as needed, 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 adequate yearly progress described in paragraph (2); and

''(ii) includes rigorous criteria for identifying those agencies and schools based on failure to make adequate yearly progress in student performance in accordance with section 1111(b)(2).

''(5) PUBLIC NOTICE AND COMMENT.—Each State plan shall contain assurances that—

''(A) in developing the State plan for annual yearly progress, the State diligently sought public comment from a range of institutions and individuals in the State with an interest in improved student achievement; and

''(B) the State will ensure that information regarding this part is widely known and understood by citizens, parents, teachers, and school administrators throughout the State, by publication in a widely read or distributed medium.

''(6) ANNUAL REVIEW.—States shall annually submit to the Secretary information, as part of the State's consolidated report, on the progress of schools and local educational agencies in meeting adequate yearly progress, including the number and names of schools and local educational agencies identified for improvement and corrective action under section 1116, the steps taken to address the performance problems of such schools and local educational agencies, and the number and names of schools that are no longer identified for purposes of determining State and local compliance with section 1116.

''(7) 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 paragraph (1)(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.

''(8) PENALTIES.—

''(A) INELIGIBILITY FOR RESERVATIONS.—If a State fails to meet the deadlines described in paragraphs (1)(C) and (6) for demonstrating that the State has in place high-quality State content and student performance standards, aligned assessments, and a system for measuring and monitoring adequate yearly progress, including the ability to disaggregate student achievement data for the assessments required under section 1111 for each of the student groups specified in section 1111(b)(2)(B)(iii) at the State, local educational agency, and school levels, then the State shall be ineligible to reserve any administrative funds under section 1003 for the succeeding fiscal year that exceed the amount so reserved for such purposes by the State for the fiscal year preceding the fiscal year for which the determination is made.

''(B) WITHHOLDING ADMINISTRATIVE FUNDS.—

''(i) IN GENERAL.—Except as described in clause (ii), if a State fails to meet the deadlines described in paragraphs (1)(C) and (6) for a fiscal year, then the Secretary may withhold funds made available under this part for administrative expenses for the succeeding fiscal year in such amount as the Secretary determines appropriate.

''(ii) SPECIAL RULE.—For each succeeding fiscal year for which a State fails to meet the deadlines described in paragraphs (1) and (6) after the fiscal year described in clause (i), the Secretary shall withhold not less than ⅕ of the funds made available under this part for administrative expenses for the fiscal year.

''(C) ED-FLEX DESIGNATION.—A State that has not developed challenging State assessments that are aligned to challenging State content standards, in at least mathematics and reading or language arts by school year 2000–2001 is not eligible for Ed-Flex designation under the Education Flexibility Partnership Act of 1999 and shall be subject to such other penalties as are provided by law for the violation of this Act.'';

(3) in subsection (c)—

(A) in paragraph (1)(B)—

(i) by striking ''1119 and'' and inserting ''1119,''; and

(ii) by inserting '', and parental involvement under section 1118'' after ''1117'';

(B) by redesignating paragraphs (5) and (6) as paragraphs (8) and (9), respectively;

(C) by inserting after paragraph (4) the following:

''(5) the State educational agency will inform the Secretary and the public regarding how Federal laws hinder, if at all, the ability of States to hold local educational agencies and schools accountable for student academic performance;

''(6) the State educational agency will inform the Secretary and the public regarding how the State educational agency is reducing, if necessary, State fiscal, accounting, and other barriers to local school and school district reform, including barriers to implementing schoolwide programs;

''(7) the State educational agency will inform local educational agencies of the local educational agencies' ability to obtain waivers under part F of title VI and, if the State is an Ed-Flex Partnership State, waivers under the Educational Flexibility Partnership Act of 1999 (20 U.S.C. 5891a et seq.);'';

and

(D) by amending paragraph (9) (as so redesignated) to read as follows:

''(9) the State will coordinate activities funded under this part with other Federal activities as appropriate.'';

(4) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively;

(5) by inserting after subsection (c) the following:

''(d) PARENTAL INVOLVEMENT.—Each State plan shall demonstrate that the State will support, in collaboration with the regional educational laboratories, the collection and dissemination to local educational agencies and schools of effective parental involvement practices. Such practices shall—

''(1) be based on the most current research on effective parental involvement that fosters achievement to high standards for all children; and

''(2) be geared toward lowering barriers to greater participation in school planning, review, and improvement experienced by parents.'';

(6) in subsection (e)(1)(B) (as so redesignated), by inserting '', and who are familiar with educational standards, assessments, accountability, and other diverse educational needs of students'' before the semicolon;

(7) in subsection (h) (as so redesignated), by striking ''1998'' and inserting ''2005''; and

(8) by adding at the end the following:

''(i) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

SEC. 112. LOCAL EDUCATIONAL AGENCY PLANS.

Section 1112 (20 U.S.C. 6312) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''the Goals'' and all that follows through ''section 14306'' 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''; and

(B) in paragraph (2), by striking ''14304'' and inserting ''6504'';

(2) in subsection (b)—

(A) in paragraph (3), by inserting '', which strategy shall be coordinated with activities under title II if the local educational agency receives funds under title II'' before the semicolon;

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking ''programs, vocational'' and inserting ''programs and vocational''; and

(II) by striking '', and school-to-work transition programs''; and

(ii) in subparagraph (B)—

(I) by striking ''served under part C'' and all that follows through ''1994''; and

(II) by striking ''served under part D''; and

(C) by amending paragraph (9) to read as follows:

''(9) where appropriate, a description of how the local educational agency will use funds under this part to support early childhood education programs under section 1120B.'';

(3) by amending subsection (c) to read as follows:

''(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

''(1) inform eligible schools and parents of schoolwide project authority;

''(2) provide technical assistance and support to schoolwide programs;

''(3) ensure, through incentives for voluntary transfers, the provision of professional development, and recruitment programs, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field or inexperienced teachers;

''(4) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State content standards and State student performance standards;

''(5) fulfill such agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(c)(5);

''(6) work in consultation with schools as the schools develop and implement their plans or activities under sections 1118 and 1119;

''(7) 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 families, including health and social services;

''(8) provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;

''(9) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part;

''(10) comply with the requirements of section 1119 regarding professional development;

''(11) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under part F of title VI, and if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999;

''(12) 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 families.''; and

(4) in subsection (d)(1)—

(A) by striking ''and pupil'' and inserting ''pupil'';

(B) by striking ''and parents'' and inserting ''parents''; and

(C) by inserting '', and students (as developmentally appropriate)'' before the semicolon; and

(5) in subsection (e)—

(A) in paragraph (1), by striking '', except that'' and all that follows through ''finally approved by the State educational agency''; and

(B) in paragraph (3)—

(i) by striking ''professional development''; and

(ii) by striking ''section 1119'' and inserting ''sections 1118 and 1119''.

SEC. 113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

Section 1113(b)(1) (20 U.S.C. 6313(b)(2)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) in subparagraph (C)(iii), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(D) designate and serve a school attendance area or school that is not an eligible school attendance area under subsection (a)(2), but that was an eligible school attendance area and was served in the fiscal year preceding the fiscal year for which the determination is made, but only for 1 additional fiscal year.''.

SEC. 114. SCHOOLWIDE PROGRAMS.

Section 1114 (20 U.S.C. 6314) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—A local educational agency may use funds under this part, together with other Federal, State, and local funds, to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less

than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families, for the initial year of the schoolwide program.''; and

(B) in paragraph (4)—

(i) by amending the heading to read as follows: ''EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—''; and

(ii) by adding at the end the following:

''(C) A school that chooses to use funds from such other programs under this section shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as the school maintains records that demonstrate that the schoolwide program, considered as a whole, addresses the intent and purposes of each of the programs that were consolidated to support the schoolwide program.''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B)(vii), by striking '', if any, approved under title III of the Goals 2000: Educate America Act''; and

(ii) in subparagraph (E), by striking '', such as family literacy services'' and inserting ''(including activities described in section 1118), such as family literacy services, in-school volunteer opportunities, or parent membership on school-based leadership or management teams.''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''Improving America's Schools Act of 1994'' and inserting ''Educational Excellence for All Children Act of 2000''; and

(II) in clause (iv), by inserting ''in a language the family can understand'' after ''results''; and

(ii) in subparagraph (C)—

(I) in clause (i)(II), by striking ''Improving America's Schools Act of 1994'' and inserting ''Educational Excellence for All Children Act of 2000''; and

(II) in clause (v), by striking ''the School-to-Work Opportunities Act of 1994'' and inserting ''part C of title II''.

SEC. 115. TARGETED ASSISTANCE SCHOOLS.

Section 1115 (20 U.S.C. 6315) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(ii), by striking '', yet'' and all that follows through ''setting''; and

(B) in paragraph (2)—

(i) in subparagraph (B), insert ''or in early childhood education services under this title,'' after ''program,''; and

(ii) in subparagraph (C)(i), by striking ''under part D (or its predecessor authority)''; and

(2) in subsection (c)(1)—

(A) by amending subparagraph (G) to read as follows:

''(G) provide opportunities for professional development with resources provided under this part, and to the extent practicable, from other sources, for teachers, principals, administrators, paraprofessionals, pupil services personnel, and parents, who work with participating children in programs under this section or in the regular education program; and''; and

(B) in subparagraph (H), by striking '', such as family literacy services'' and inserting ''(including activities described in section 1118), such as family literacy services, in-school volunteer opportunities, or parent membership on school-based leadership or management teams.''.

SEC. 116. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

Section 1116 (20 U.S.C. 6317) is amended—

(1) by amending subsection (a) to read as follows:

''(a) LOCAL REVIEW.—

''(1) IN GENERAL.—Each local educational agency receiving funds under this part shall—

''(A) use the State assessments described in the State plan;

''(B) use any additional measures or indicators described in the local educational agency's plan to review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2) toward enabling its students to meet the State's student performance standards described in the State plan; and

''(C) provide the results of the local annual review, including disaggregated results, to schools so that the schools can continually refine the program of instruction to help all children served under this part in those schools meet the State's student performance standards.

''(2) LOCAL REPORTS.—(A) Following the annual review specified in paragraph (1)(B), each local educational agency receiving funds under this part shall prepare and disseminate an annual performance report regarding each school that receives funds under this part. The report, at a minimum, shall include information regarding—

''(i) each school's performance in making adequate yearly progress and whether the school has been identified for school improvement;

''(ii) the progress of each school in enabling all students served under this part to meet the State-determined levels of performance, including the progress of economically disadvantaged students and limited English proficient students, except that this clause shall not apply to a State if the State demonstrates that the State has a statistically insignificant number of economically disadvantaged or limited English proficient students; and

''(iii) any other information the local educational agency determines appropriate (such as information on teacher quality, school safety, and drop-out rates).

''(B) The local educational agency shall publicize and disseminate the report to teachers and other staff, parents, students, and the community. Such report shall be concise and presented in a format and manner that parents can understand. The local educational agency may issue individual school performance reports directly to teachers and other staff, parents, students, and the community, or the local educational agency may publicize and disseminate the report through a widely read or distributed medium, such as posting on the Internet or distribution to the media.

''(C) Information collected and reported under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

''(D) In the case of a local educational agency for which the State report described in section 1116(d) contains data about an individual school served by the local educational agency that is equivalent to the data required by this subsection, such local educational agency shall not be required to prepare or distribute a report regarding such school under this paragraph.'';

(2) by amending subsection (c) to read as follows:

''(c) SCHOOL IMPROVEMENT.—

''(1) IN GENERAL.—(A) A local educational agency shall identify for school improvement any school served under this part that for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan in section 1111, except that in the case of a targeted assistance program under section 1115, a local educational agency may review the progress of only those students in such school who are served under this part.

''(B) The 2 year period described in clause (i) shall include any continuous period of time immediately preceding the date of enactment of the Education Opportunities Act, during which a 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 such enactment.

''(C) Before identifying a school for school improvement under subparagraph (A), the local educational agency shall provide the school with an opportunity to review the school-level data, including assessment data, on which such identification is based. The review period shall not exceed 30 days, and at the end of the review period the local educational agency shall make a final determination as to the school improvement status of the school. If the school believes that such identification for school improvement is in error for statistical or other substantive reasons, such school may provide evidence to the local educational agency to support such belief.

''(2) SCHOOL PLAN.—(A) Each school identified under paragraph (1), in consultation with parents, the local educational agency, and the school support team or other outside experts, and if the plan relates to a secondary school, students from such school, shall revise a school plan that addresses the fundamental teaching and learning needs in the school and—

''(i) describes the specific achievement problems to be solved;

''(ii) includes research-based strategies, supported with specific goals and objectives, that have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards;

''(iii) explains how those strategies will work to address the achievement problems identified under clause (i);

''(iv) addresses the need for high-quality staff by working to ensure that teachers in programs supported with funds under this part are fully qualified;

''(v) addresses the professional development needs of instructional staff by committing to spend not less than 10 percent of the funds received by the school under this part during 1 fiscal year for professional development, which professional development shall increase the content knowledge of teachers and build the capacity of the teachers to align classroom instruction with challenging content standards and to bring all students to proficient or advanced levels of performance as determined by the State;

''(vi) identifies specific goals and objectives the school will undertake for making adequate yearly progress, including specific numerical performance goals and targets that are high enough to ensure that all groups of students specified in section 1111(b)(2) meet or exceed the proficient levels of performance in each subject area within 10 years of the date of enactment of the Educational Excellence for All Children Act of 2000;

''(vii) specifies the responsibilities of the school and the local educational agency, including how the local educational agency will hold the school accountable for, and assist the school in, meeting the school's obligations to provide enriched and accelerated curricula, effective instructional methods, high quality professional development, and timely and effective individual assistance, in partnership with parents; and

''(viii) includes strategies to promote effective parental involvement in the school.

''(B) The school shall submit the plan or revised plan to the local educational agency

for approval within 3 months of being identified. The local educational agency shall promptly subject the plan to a review process, work with the school to revise the plan as necessary, and approve the plan within 1 month of submission. The school shall implement the plan as soon as the plan is approved.

''(3) PARENTAL NOTIFICATION.—Each school identified under paragraph (1) shall in understandable language and form, promptly notify the parents of each student enrolled in the school that the school was designated by the local educational agency as needing improvement and provide with the notification—

''(A) the reasons for such designation;

''(B) information about opportunities for parents to participate in the school improvement process; and

''(C) an explanation of the option afforded to parents, pursuant to paragraph (6), to transfer their child to another public school, including a public charter school, that is not identified for school improvement.

''(4) TECHNICAL ASSISTANCE.—(A) For each school identified for school improvement under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements its plan. Such technical assistance shall include effective methods and research-based instructional strategies.

''(B) Such technical assistance shall be designed to strengthen the core academic program for the students served under this part and addresses specific elements of student performance problems, including problems, if any, in implementing the parental involvement requirements described in section 1118, the professional development requirements described in section 1119, and the responsibilities of the school and local educational agency under the school plan. Such technical assistance will be designed to strengthen the core academic program for the students served under this part and address specific elements of student performance problems, including problems, if any, in implementing the parental involvement requirements in section 1118 and the professional development provisions in section 1119, and the responsibilities of the school and local educational agency under the plan.

''(5) 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) IN GENERAL.—After providing technical assistance under paragraph (6), the local educational agency may take corrective action at any time with respect to a school that has been identified under paragraph (1), but shall take corrective action with respect to any school that fails to make adequate yearly progress, as defined by the State, at the end of the second year following the school's identification under paragraph (1) and shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii) of subparagraph (B).

''(B) DEFINITION OF CORRECTIVE ACTION.—In this paragraph, the term 'corrective action' means action, consistent with State and local law, that—

''(i) substantially and directly responds to the consistent academic failure that caused the local educational agency to take such action and to any underlying staffing, curricular, or other problems in the school; and

''(ii) is designed to substantially increase the likelihood that students will perform at the proficient and advanced levels.

''(C) ACTIONS DESCRIBED.—In the case of a school described in subparagraph (A), the local educational agency shall take not less than 1 of the following corrective actions:

''(i) Deferring, reducing, or withholding title I funds.

''(ii) Instituting and fully implementing a new curriculum, including appropriate professional development for all relevant staff, that is supported by valid and reliable evidence of effectiveness, and offers substantial promise of improving educational achievement for low-performing students.

''(iii) Restructuring the school, such as by—

''(I) making alternative governance arrangements (such as the creation of a public charter school); and

''(II) creating schools within schools or other small learning environments.

''(iv) Redesign the school by reconstituting all or part of the school staff.

''(v) Eliminating the use of noncredentialed teachers.

''(vi) Closing the school.

''(D) REQUIRED ACTION.—A local educational agency shall take corrective action with respect to a school identified for corrective action under subparagraph (A)(ii). The corrective action shall—

''(i) change the school's administration or governance by the means specified in clause (ii), (iii), (iv), (v), or (vi) of subparagraph (B); and

''(ii) provide to relevant staff professional development that is supported by valid and reliable evidence of effectiveness, offers substantial promise of improving student educational achievement and is directly related to the content areas in which each teacher is providing instruction and the State's content and performance standards for that subject area.

''(E) PARENTAL CHOICE.—Where a local educational agency has identified a school for corrective action under subparagraph (A)(ii), the agency shall provide all students enrolled in the school with the option to transfer to another public school within the area served by the local educational agency that has not been identified for school improvement and provide such students transportation, subject to the following requirements:

''(i) Such transfer must be consistent with State or local law.

''(ii) If the local educational agency cannot accommodate the request of every student, it shall permit as many students as possible to transfer, with such students being selected on a nondiscriminatory and equitable basis.

''(iii) The local educational agency may use not more than 10 percent of the funds the local educational agency receives through the State reservation under section 1003(a)(2)) to provide transportation to students whose parents choose to transfer their child or children to a different school.

''(iv) If all public schools in the local educational agency to which a child may transfer to are identified for corrective action, the agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for the transfer.

''(F) IMPLEMENTATION DELAY.—A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action 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.

''(G) NOTIFICATION TO PARENTS.—The local educational agency shall publish, and disseminate to the public and to parents in a format and, to the extent practicable, in a language that the parents can understand, any corrective action the agency takes under this paragraph through such means as the Internet, the media, and public agencies.

''(6) PUBLIC SCHOOL CHOICE.—

''(A) SCHOOLS IDENTIFIED FOR IMPROVEMENT.—

''(i) SCHOOLS IDENTIFIED ON OR BEFORE ENACTMENT.—Not later than 6 months after the date of the enactment of the Educational Excellence for All Children Act of 2000, a local educational agency shall provide all students enrolled in a school identified (on or before such date of enactment) under paragraphs (1) and (5) with an option to transfer to any other public school within the local educational agency or any public school consistent with subparagraph (B), including a public charter school that has not been identified for school improvement, unless such option to transfer is prohibited—

''(I) under the provisions of a State or local law; or

''(II) by a local educational agency policy that is approved by a local school board.

''(ii) SCHOOLS IDENTIFIED AFTER ENACTMENT.—Not later than 6 months after the date on which a local educational agency identifies a school under paragraphs (1) and (5), the agency shall provide all students enrolled in such school with an option described in clause (i).

''(B) COOPERATIVE AGREEMENTS.—If all public schools in the local educational agency to which a child may transfer are identified under paragraphs (1) and (5), then the agency, to the extent practicable, shall establish a cooperative agreement with other local educational agencies in the area for the transfer, unless the transfer is prohibited under—

''(i) the provisions of a State or local law; or

''(ii) a local educational agency policy that is approved by a local school board.

''(C) TRANSPORTATION.—

''(i) IN GENERAL.—The local educational agency in which the schools have been identified under paragraph (1) may use funds under this part to provide transportation to students whose parents choose to transfer their child or children to a different school.

''(ii) CORRECTIVE ACTION.—If a school has been identified under paragraph (5), the local educational agency shall provide such students transportation (or the costs of transportation) to schools not identified under paragraph (1) or (5).

''(iii) MAXIMUM AMOUNT.—Notwithstanding any other provision of this paragraph, the amount of assistance provided under this part for a student who elects a transfer under this paragraph shall not exceed the per pupil expenditures for elementary school or secondary school students as provided by the local educational agency that serves the school involved in the transfer.

''(D) CONTINUE OPTION.—Once a school is no longer identified for school improvement, the local educational agency shall continue to provide public school choice as an option to students in such school for a period of not less than 2 years.

''(7) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—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 educational agency shall take into account such action as the State educational agency finds necessary, 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.

''(8) SPECIAL RULE.—Schools that, for at least 2 of the 3 years following identification under paragraph (1), make adequate progress toward meeting the State's proficient and

advanced levels of performance shall no longer need to be identified for school improvement.

''(9) WAIVERS.—The State educational agency shall review, including disaggregated results, any waivers approved for a school designated for improvement or corrective action prior to the date of enactment of the Educational Excellence for All Children Act of 2000 and shall terminate any waiver approved by the State under the Educational Flexibility Partnership Act of 1999 if the State determines, after notice and an opportunity for a hearing, that the waiver is not helping such school to make yearly progress to meet the objectives and specific goals described in the school's improvement plan.''; and

(3) in subsection (d)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—(A) A State educational agency shall annually review the progress of each local educational agency receiving funds under this part to determine whether schools receiving assistance under this part are making adequate progress as defined in section 1111(b)(2) toward meeting the State's student performance standards.

''(B) STATE REPORTS.—Following the annual review specified in subparagraph (A), each State educational agency that receives funds under this part shall prepare and disseminate an annual performance report regarding each local educational agency that receives funds under this part.

''(C) CONTENTS.—The State, at a minimum, shall include in the report information on each local educational agency regarding—

''(i) local educational agency performance in making adequate yearly progress, including the number and percentage of schools that did and did not make adequate yearly progress;

''(ii) the progress of the local educational agency in enabling all students served under this part to meet the State's proficient and advanced levels of performance, including the progress of economically disadvantaged students and limited English proficient students, except that this clause shall not apply to a State if the State demonstrates that the State has an insufficient number of economically disadvantaged or limited English proficient students; and

''(iii) any other information the State determines appropriate (such as information on teacher quality, school safety, and dropout rates).

''(D) PARENT AND PUBLIC DISSEMINATION.—The State shall publicize and disseminate to local educational agencies, teachers and other staff, parents, students, and the community, the report. Such report shall be concise and presented in a format and manner that parents can understand. The State may issue local educational agency performance reports directly to the local educational agencies, teachers and other staff, parents, students, and the community or the State may publicize and disseminate the report through a widely read or distributed medium, such as posting on the Internet or distribution to the media.''.

''(E) SUBMISSION TO THE SECRETARY.—The State shall annually submit the performance report required under this paragraph to the Secretary. In addition to the information required under subparagraph (C), the report shall contain the number and names of each school identified as low-performing, including schools identified under paragraphs (1) and (5) of section 1116(c), the reason why each such school was so identified, and the measures taken to address the performance problems of such schools.'';

(B) in paragraph (3), by amending the heading and subparagraph (A) to read as follows:

''(3) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCY FOR IMPROVEMENT.—

''(A) IN GENERAL.—A State educational agency shall identify for improvement any local educational agency that—

''(i) for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan under section 1111(b)(2) except that for targeted assistance schools, a State educational agency may choose to review the progress of only the students who are served under this part; or

''(ii) was in, or eligible for, improvement status under this section as this section was in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000.'';

(ii) in subparagraph (B), by adding at the end the following: ''The review period required under this subparagraph shall not exceed 30 days and the State shall make public a final determination as to the status of the local educational agency not later than the end of such period.''; and

(iii) by adding at the end the following:

''(C) NOTIFICATION TO PARENTS.—The State educational agency shall promptly notify parents in a format and, to the extent practicable, in a language the parents can understand, of each student enrolled in a school in a local educational agency identified for improvement of the reasons for such agency's identification and how parents can participate in upgrading the quality of the local educational agency.'';

(C) by striking paragraph (4) and inserting the following:

''(4) LOCAL EDUCATIONAL AGENCY REVISIONS.—

''(A) PLAN; ANNUAL ACADEMIC ACHIEVEMENT GOALS.—Each local educational agency identified under paragraph (2) shall, not later than 3 months after being so identified and in consultation with parents, school staff, and others, develop or revise the local educational agency's plan and annual academic achievement goals. Annual academic achievement goals shall be based on the overall objective of ensuring that all students within the area served by the local educational agency, including students of different races and ethnicity, economically disadvantaged students, and students with limited English proficiency, will meet or exceed the State proficiency level of performance in each subject assessment that the State requires, within 10 years of the effective date of this subparagraph. The revised plan shall—

''(i) address the fundamental teaching and learning needs in the schools served by the agency specific the academic problems of low-performing students, and the reasons why the local educational agency's prior plan failed to bring about increased achievement;

''(ii) incorporate strategies that are supported by valid and reliable evidence of effectiveness and that strengthen the core academic program in the local educational agency;

''(iii) identify specific annual, academic achievement goals and objectives that will—

''(I) have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards; and

''(II) include specific numerical performance goals and targets for each of the groups of students identified in the disaggregated data pursuant to section 1111(b)(2), which shall be high enough to ensure that each group of students achieves at least the proficient level of performance within 10 years of the effective date of this subparagraph;

''(iv) address the professional development needs of the instructional staff by spending a minimum of 10 percent of the funds received by the schools under this part on professional development that—

''(I) may not supplant professional development services that school staff would otherwise receive; and

''(II) increases the content knowledge of teachers and builds the teachers' capacity to align classroom instruction with challenging content standards and bring all students to proficient or advanced levels of performance;

''(v) identify measures the local educational agency will undertake to make adequate yearly progress;

''(vi) identify how the local educational agency will provide written notification to parents in a format, and to the extent practicable, in a language that the parents can understand, pursuant to paragraph (6);

''(vii) specify the responsibilities of the State educational agency and the local educational agency under the plan; and

''(viii) include strategies to promote effective parental involvement in the school.

''(B) DEADLINE FOR SUBMISSION.—The local educational agency shall submit its revised plan to the State educational agency for peer review and approval within 60 days of submission. The local educational agency shall implement the revised plan as soon as such plan is approved.'';

(D) by striking paragraph (5)(B) and inserting the following:

''(B) TECHNICAL ASSISTANCE.—Technical assistance provided under this section by the State educational agency or an entity authorized by such agency shall be supported by valid and reliable evidence of effectiveness, and shall address problems, if any, in implementing the parental involvement requirements in section 1118 and the professional development provisions in section 1119.''; and

(E) by striking paragraph (6) and inserting the following:

''(6) 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.

''(A) IN GENERAL.—After providing technical assistance under paragraph (5) and subject to subparagraph (D), the State educational agency—

''(i) may take corrective action at any time with respect to a local educational agency that has been identified under paragraph (2);

''(ii) shall take corrective action with respect to any local educational agency that fails to make adequate yearly progress, as defined by the State, at the end of the third year following its identification under paragraph (2); and

''(iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

''(B) DEFINITION OF CORRECTIVE ACTION.—In this paragraph, the term 'corrective action' means action, consistent with State law, that—

''(i) substantially and directly responds to the consistent academic failure that caused the State educational agency to take such action, and to any underlying staffing, curricular, or other problems in the school; 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) CERTAIN LOCAL EDUCATIONAL AGENCIES.—In the case of a local educational agency described in paragraph (A)(ii), the State educational agency shall take not less than 1 of the following corrective actions;

''(i) Withholding funds from the local educational agency.

''(ii) Reconstituting school district personnel.

''(iii) Removing particular schools from the area served by the local educational agency, and establishing alternative arrangements for public governance and supervision of such schools.

''(iv) Appointment, by the State educational agency, of a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board.

''(v) Abolition or restructuring of the local educational agency.

''(D) AUTHORITY TO TRANSFER STUDENTS.—If a local educational agency has been identified for corrective action, the State educational agency shall authorize students to transfer from a school served by the local educational agency to a higher performing public school served by another local educational agency, in conjunction with not less than 1 additional action described under subparagraph (C). When a local educational agency cannot accommodate the request of every student, it shall permit as many students as possible who shall be selected randomly. The local educational agency may use up to 10 percent of the funds it receives through the State reservation under section 1003(a)(2) to provide transportation to students whose parents choose to transfer their child to a different school.

''(E) HEARING.—Prior to implementing any corrective action, the State educational agency shall provide notice and a hearing to the affected local educational agency, if State law provides for such notice and hearing. The hearing shall take place not later than 45 days following the decision to implement corrective action.

''(F) NOTIFICATION TO PARENTS.—The State educational agency shall publish, and disseminate to parents and the public, any corrective action the State educational agency takes under this paragraph through a widely read or distributed medium.

''(G) DELAY.—A State 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.

''(H) WAIVERS.—The State educational agency shall review any waivers approved prior to the date of enactment of the Educational Excellence for All Children Act of 2000 for a local educational agency designated for improvement or corrective action and shall terminate any waiver approved by the State under the Educational Flexibility Partnership Act of 1999 if the State determines, after notice and an opportunity for a hearing, that the waiver is not helping the local educational agency make yearly progress to meet the objectives and specific goals described in the local educational agency's improvement plan.''.

SEC. 117. ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

Section 1117 (20 U.S.C. 6318) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) PRIORITIES.—In carrying out this section, a State educational agency shall—

''(A) first, provide support and assistance to local educational agencies subject to corrective action described in section 1116 and assist schools, in accordance with section 1116, for which a local educational agency has failed to carry out its responsibilities under section 1116;

''(B) second, provide support and assistance to other local educational agencies and schools identified as in need of improvement under section 1116; and

''(C) third, provide support and assistance to schools participating under this part in which the number of students in poverty equals or exceeds 75 percent of the total number of students enrolled in such school.''; and

(2) in subsection (b), by striking ''the comprehensive regional technical assistance centers under part A of title XIII and'' and inserting ''comprehensive regional technical assistance centers, and''; and

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

''(1) APPROACHES.—In order to achieve the purpose described in subsection (a), each such system shall provide technical assistance and support through such approaches as—

''(A) school support teams which are composed of individuals who are knowledgeable about research and practice on teaching and learning, particularly about strategies for improving educational results for low-achieving children and persons knowledgeable about effective parental involvement programs, including parents;

''(B) the designation and use of distinguished teachers and principals, chosen from schools served under this part that have been especially successful in improving academic achievement;

''(C) providing assistance to the local educational agency or school in the implementation of research-based comprehensive school reform models; and

''(D) a review process designed to increase the capacity of local educational agencies and schools to develop high-quality school improvement plans.'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''part which'' and all that follows through the period and inserting ''part.''; and

(ii) in subparagraph (C)—

(I) by striking ''and may'' and inserting ''(and may''; and

(II) by striking ''exemplary performance'' and inserting ''exemplary performance)''; and

(C) in paragraph (3)—

(i) in the paragraph heading, by striking ''EDUCATORS'' and inserting ''TEACHERS AND PRINCIPALS'';

(ii) by amending subparagraph (A) to read as follows:

''(A) The State may also recognize and provide financial awards to teachers or principals in a school described in paragraph (2) whose students consistently make significant gains in academic achievement.'';

(iii) in subparagraph (B), by striking ''educators'' and inserting ''teachers or principals''; and

(iv) by striking subparagraph (C).

SEC. 118. PARENTAL INVOLVEMENT.

Section 1118 (20 U.S.C. 6319) is amended—

(1) in subsection (a)(2)(B), by inserting ''activities to improve student achievement and student and school performance'' after ''involvement'';

(2) in subsection (b)(1)—

(A) in the first sentence, by inserting ''(in a language parents can understand)'' after ''distribute''; and

(B) in the second sentence, insert ''shall be made available to the local community and'' after ''Such policy'';

(3) in subsection (e)—

(A) in paragraph (1), by striking ''participating parents in such areas as understanding the National'' and inserting ''parents of children served by the school or local educational agency, as appropriate, in understanding America's'';

(B) in paragraph (14), by striking ''and'' after the semicolon;

(C) by amending paragraph (15) to read as follows:

''(15) may establish a school district wide parent advisory council to advise the school and local educational agency on all matters related to parental involvement in programs supported under this section; and''; and

(D) by adding at the end the following:

''(16) shall provide such other reasonable support for parental involvement activities under this section as parents may request, which may include emerging technologies.'';

(4) in subsection (f), by striking ''or with'' and inserting '', parents of migratory children, or parents with''; and

(5) by amending subsection (g) to read as follows:

''(g) INFORMATION FROM PARENTAL INFORMATION AND RESOURCE CENTERS.—In a State where a parental information and resource center is established to provide training, information, and support to parents and individuals who work with local parents, local educational agencies, and schools receiving assistance under this part, each school or local educational agency that receives assistance under this part and is located in the State, shall assist parents and parental organizations by informing such parents and organizations of the existence and purpose of such centers, providing such parents and organizations with a description of the services and programs provided by such centers, advising parents on how to use such centers, and helping parents to contact such centers.

''(h) STATE REVIEW.—The State educational agency shall review the local educational agency's parental involvement policies and practices to determine if they meet the goal described in section 10301(8) of increasing parental involvement and participation in promoting the academic growth of children.''.

SEC. 119. PROFESSIONAL DEVELOPMENT.

Section 1119 (20 U.S.C. 6320) is amended—

(1) in subsection (a)(1), by adding at the end the following: ''Each local educational agency receiving funds under this part shall use not less than 5 percent of the funds for fiscal years 2001 and 2002, and 10 percent of the funds for subsequent fiscal years, for such professional development.'';

(2) in subsection (b)—

(A) in paragraph (1), by amending subparagraph (A) to read as follows:

''(A) support professional development activities that give teachers, principals, administrators, paraprofessionals, pupil services personnel, and parents the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards;'';

(B) by redesignating subparagraphs (B) through (E) as subparagraphs (D) through (G), respectively;

(C) by inserting after subparagraph (A) the following:

''(B) advance teacher understanding of effective instructional strategies, based on research for improving student achievement, at a minimum in reading or language arts and mathematics;

''(C) 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 1 component of a long-term comprehensive professional development plan established by the teacher and the teacher's supervisor based upon an assessment of the needs of the teacher, the needs of students, and the needs of the local educational agency;'';

(D) in subparagraph (E) (as so redesignated), by striking ''title III of the Goals 2000: Educate America Act,'';

(E) in subparagraph (F) (as so redesignated), by striking ''and'' after the semicolon;

(F) in subparagraph (G) (as so redesignated), by striking the period and inserting a semicolon; and

(G) by adding at the end the following:

''(H) to the extent appropriate, provide training for teachers in the use of technology and the applications of technology that are effectively used—

''(i) in the classroom to improve teaching and learning in the curriculum; and

''(ii) in academic content areas in which the teachers provide instruction;

''(I) be regularly evaluated for their impact on increased teacher effectiveness and improved student performance and achievement, with the findings of such evaluations used to improve the quality of professional development;

''(J) include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices; and

''(K) provide instruction, which may include instruction developed in partnership with a business, an industry, or an institution of higher education, to encourage and enable students, including young women, to pursue demanding careers and higher education degrees in mathematics, science, engineering, and technology, including the development of mentoring programs, model programs, or other programs.''; and

(3) in subsection (g), by striking ''title III of the Goals 2000: Educate America Act,'' and inserting ''other Acts''.

SEC. 120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) AMENDMENTS.—Section 1120 (20 U.S.C. 6321) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''that address their needs, and shall ensure that teachers and families of such children participate, on an equitable basis, in services and activities under sections 1118 and 1119'' before the period;

(B) in paragraph (3), by inserting ''and shall be provided in a timely manner'' before the period; and

(C) in paragraph (4), insert ''as determined by the local educational agency each year or every 2 years'' before the period;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking ''and where'' and inserting '', where, and by whom'';

(ii) by amending subparagraph (D) to read as follows:

''(D) how the services will be assessed and how the results of that assessment will be used to improve those services;'';

(iii) in subparagraph (E), by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(F) how and when the local educational agency will make decisions about the delivery of services to eligible private school children, including a thorough consideration and analysis of the views of private school officials regarding the provision of contract services through potential third party providers, and if the local educational agency disagrees with the views of the private school officials on such provision of services, the local educational agency shall provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to so provide such services.''; and

(B) by adding at the end the following:

''(4) CONSULTATION.—Each local educational agency shall provide to the State educational agency, and maintain in the local educational agency's records, a written affirmation signed by officials of each participating private school that the consultation required by this section has occurred. If a private school declines in writing to have eligible children in the private school participate in services provided under this section, the local educational agency is not required to further consult with the private school officials or to document the local educational agency's consultation with the private school officials until the private school officials request in writing such consultation. The local educational agency shall inform the private school each year of the opportunity for eligible children to participate in services provided under this section.

''(5) COMPLIANCE.—A private school official shall have the right to appeal to the State educational agency the decision of a local educational agency as to whether consultation provided for in this section was meaningful and timely, and whether due consideration was given to the views of the private school official. If the private school official wishes to appeal the decision, the basis of the claim of noncompliance with this section by the local educational agencies shall be provided to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency.'';

(3) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(4) by inserting after subsection (b) the following:

''(c) ALLOCATION FOR EQUITABLE SERVICE TO PRIVATE SCHOOL STUDENTS.—

''(1) CALCULATION.—A local educational agency shall have the final authority, consistent with this section, to calculate the number of private school children, ages 5 through 17, who are low-income by—

''(A) using the same measure of low-income used to count public school children;

''(B) using the results of a survey that, to the extent possible, protects the identity of families of private school students, and allowing such survey results to be extrapolated if complete actual data are unavailable; or

''(C) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that school attendance area.

''(2) COMPLAINT PROCESS.—Any dispute regarding low-income data for private school students shall be subject to the complaint process authorized in section 10105.'';

(5) in subsection (e) (as so redesignated),

(A) in paragraph (2), by striking ''14505 and 14506'' and inserting ''10105 and 10106'';

(B) by redesignating paragraphs (1) and (2) (as so amended) as subparagraphs (A) and (B), respectively;

(C) by striking ''If a'' and inserting the following:

''(1) IN GENERAL.—If a''; and

(D) by adding at the end the following:

''(2) DETERMINATION.—In making the determination under paragraph (1), the Secretary shall consider 1 or more factors, including the quality, size, scope, or location of the program, or the opportunity of eligible children to participate in the program.''; and

(6) by repealing subsection (f) (as so redesignated).

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(4) shall take effect on September 30, 2003.

(c) CONFORMING AMENDMENT.—Section 1120A(a) (20 U.S.C. 6322(a)) is amended by striking ''14501 of this Act'' and inserting ''10101''.

SEC. 120A. FISCAL REQUIREMENTS.

Section 1120A(c) (20 U.S.C. 6322(c)) is amended—

(1) in paragraph (2)—

(A) by amending the paragraph heading to read as follows: ''CRITERIA FOR MEETING COMPARABILITY REQUIREMENT.'';

(B) by amending subparagraph (A) to read as follows:

''(A) To meet the requirement of paragraph (1), a local educational agency shall establish, and obtain the State educational agency's approval of, policies to ensure comparability in the use of State and local funds among its schools participating under this part and its other schools with respect to—

''(i) pupil-teacher ratios and the qualifications of teachers (by category of assignment, such as regular education, special education, and bilingual education) and professional staff, which may be achieved through recruitment, hiring practices, and incentive programs, but shall not be met through involuntary transfers of teachers or other staff;

''(ii) curriculum, the range of courses offered, instructional materials, and instructional resources to ensure that participating children have the opportunity to achieve to the highest student performance levels under the State's challenging content and student performance standards; and

''(iii) the condition and safety of school facilities, and their accessibility to technology.''; and

(C) by adding at the end the following:

''(D) Notwithstanding subparagraph (A), a local educational agency may continue to meet the requirement of paragraph (1) by complying with subparagraph (A) as it was in effect prior to the enactment of the Educational Excellence for All Children Act of 2000, but each local educational agency shall comply with subparagraph (A), as amended by that Act, no later than July 1, 2002.''; and

(2) in paragraph (3)(B), by striking ''biennially'' and inserting ''annually''.

SEC. 120B. EARLY CHILDHOOD EDUCATION.

Section 1120B (20 U.S.C. 6321) is amended—

(1) by amending the section heading to read as follows:

''SEC. 1120B. COORDINATION REQUIREMENTS; EARLY CHILDHOOD EDUCATION SERVICES.'';

(2) in subsection (c), by striking ''Head Start Act Amendments of 1994'' and inserting ''Head Start Amendments of 1998''; and

(3) by adding at the end the following:

''(d) EARLY CHILDHOOD SERVICES.—A local educational agency may use funds received under this part to provide preschool services—

''(1) directly to eligible preschool children in all or part of its school district;

''(2) through any school participating in the local educational agency's program under this part; or

''(3) through a contract with a local Head Start agency, an eligible entity operating an Even Start program, a State-funded preschool program, or a comparable public early childhood development program.

''(e) EARLY CHILDHOOD EDUCATION PROGRAMS.—Early childhood education programs operated with funds provided under this part may be operated and funded jointly with Even Start programs under part B of this title, Head Start programs, or State-funded preschool programs. Early childhood education programs funded under this part shall—

''(1) focus on the developmental needs of participating children, including their social, cognitive, and language-development needs, and use research-based approaches

that build on competencies that lead to school success, particularly in language and literacy development and in reading;

''(2) teach children to understand and use language in order to communicate for various purposes;

''(3) enable children to develop and demonstrate an appreciation of books; and

''(4) in the case of children with limited English proficiency, enable the children to progress toward acquisition of the English language.''.

SEC. 120C. ALLOCATIONS.

Subpart 2 of part A of title I (20 U.S.C. 6331 et seq.) is amended to read as follows:

''Subpart 2—Allocations

''SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

''(a) RESERVATION OF FUNDS.—From the amount appropriated for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

''(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

''(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (c).

''(b) ASSISTANCE TO THE OUTLYING AREAS.—

''(1) IN GENERAL.—From amounts made available under subsection (a)(1) in each fiscal year the Secretary shall make grants to local educational agencies in the outlying areas.

''(2) COMPETITIVE GRANTS.—

''(A) IN GENERAL.—For fiscal years 2000 and 2001, the Secretary shall reserve $5,000,000 from the amounts made available under subsection (a)(1) to award grants, on a competitive basis, to local educational agencies in the Freely Associated States. The Secretary shall award such grants according to the recommendations of the Pacific Region Educational Laboratory which shall conduct a competition for such grants.

''(B) USES.—Except as provided in subparagraph (C), grant funds awarded under this paragraph only may be used—

''(i) for programs described in this Act, including teacher training, curriculum development, instructional materials, or general school improvement and reform; and

''(ii) to provide direct educational services.

''(C) ADMINISTRATIVE COSTS.—The Secretary may provide 5 percent of the amount made available for grants under this paragraph to the Pacific Region Educational Laboratory to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this paragraph.

''(c) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

''(1) IN GENERAL.—The amount reserved 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 schools and secondary schools for Indian children operated or supported by the Department of the Interior; and

''(B) out-of-State Indian children in elementary schools and secondary schools in local educational agencies under special contracts with the Department of the Interior.

''(2) PAYMENTS.—From the amount reserved 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)(B). The amount of such payment may not exceed, for each such child, the greater of—

''(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

''(B) 48 percent of such expenditure in the United States.

''SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRATION GRANTS, AND TARGETED GRANTS.

''(a) IN GENERAL.—For each of the fiscal years 2001 through 2005—

''(1) the amount appropriated to carry out this part that is less than or equal to the amount appropriated to carry out section 1124 for fiscal year 2000, shall be allocated in accordance with section 1124;

''(2) the amount appropriated to carry out this part that is not used under paragraph (1) that equals the amount appropriated to carry out section 1124A for fiscal year 2000, shall be allocated in accordance with section 1124A; and

''(3) any amount appropriated to carry out this part for the fiscal year for which the determination is made that is not used to carry out paragraphs (1) and (2) shall be allocated in accordance with section 1125.

''(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

''(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d).

''(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 the allocations were reduced.

''(c) HOLD-HARMLESS AMOUNTS.—

''(1) IN GENERAL.—For each fiscal year the amount made available to each local educational agency under each of sections 1124, 1124A, and 1125 shall be not less than—

''(A) 95 percent of the amount made available to the local educational agency under each such section for the preceding fiscal year if the number of children counted for grants under section 1124 is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, served by the local educational agency;

''(B) 90 percent of the amount made available to the local educational agency under each such section for the preceding fiscal year if such percentage is not less than 15 percent and not more than 30 percent; and

''(C) 85 percent of the amount made available to the local educational agency under each such section for the preceding fiscal year if such percentage is less than 15 percent.

''(2) SPECIAL RULES.—If sufficient funds are appropriated, the hold-harmless amounts described in paragraph (1) shall be paid to all local educational agencies that received grants under section 1124, 1124A, or 1125 for the preceding fiscal year, regardless of whether the local educational agency meets the minimum eligibility criteria provided in section 1124(b), 1124A(a)(1)(A), or 1125(a), respectively, except that a local educational agency that does not meet such minimum eligibility criteria for 5 consecutive years shall no longer be eligible to receive a hold-harmless amount under this subsection.

''(3) COUNTY CALCULATION BASIS.—Any fiscal year for which the Secretary calculates grants on the basis of population data for counties, the Secretary shall apply the hold-homeless percentages in paragraphs (1) and (2) to counties, and if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this subsection for every local educational agency within that county, then the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that receive funds for the fiscal year in excess of the hold-harmless amounts specified in this paragraph.

''(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 reduced.

''SEC. 1123. DEFINITIONS.

''In this subpart:

''(1) 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.

''(2) OUTLYING AREAS.—The term 'outlying areas' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(3) 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. 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 (4) and in section 1126, the grant that a local educational agency is eligible to receive under this section for a fiscal year is the amount 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, except that the amount determined under this subparagraph shall not be less than 32 percent, and not 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 grants under this section on the basis of the number of children counted under subsection (c) for local educational agencies, unless the Secretary and the Secretary of Commerce determine that some or all of those data are unreliable or that their use would be otherwise inappropriate, in which case—

''(i) the Secretary and the Secretary of Commerce shall publicly disclose the reasons for their determination in detail; and

''(ii) paragraph (3) shall apply.

''(B) ALLOCATIONS TO LARGE AND SMALL LOCAL EDUCATIONAL AGENCIES.—

''(i) LARGE LOCAL EDUCATIONAL AGENCIES.—In the case of an allocation under this section to a large local educational agency, the amount of the grant under this section for the large local educational agency shall be the amount determined under paragraph (1).

''(ii) SMALL LOCAL EDUCATIONAL AGENCIES.—

''(I) IN GENERAL.—In the case of an allocation under this section to a small local educational agency the State educational agency may—

''(aa) distribute grants under this section in amounts determined by the Secretary under paragraph (1); or

''(bb) 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 those small local educational agencies.

''(II) ALTERNATIVE METHOD.—An alternative method under subclause (I)(bb) shall be based on population data that the State educational agency determines best reflect the current distribution of children in poor families among the State's small local educational agencies that meet the minimum number of children to qualify described in subsection (b).

''(III) APPEAL.—If a small local educational agency is dissatisfied with the determination of the amount of its grant by the State educational agency under subclause (I)(bb), the small local educational agency may appeal the determination to the Secretary, who shall respond within 45 days of receiving the appeal.

''(iii) DEFINITIONS.—In this subparagraph—

''(I) the term 'large local educational agency' means a local educational agency serving a school district with a total population of 20,000 or more; and

''(II) the term 'small local educational agency' means a local educational agency serving a school district with a total population of less than 20,000.

''(3) ALLOCATIONS TO COUNTIES.—

''(A) IN GENERAL.—For any fiscal year to which this paragraph applies, the Secretary shall calculate grants under this section on the basis of the number of children counted under section 1124(c) for counties, and State educational agencies shall allocate county amounts to local educational agencies, in accordance with regulations promulgated by the Secretary.

''(B) APPLICATION.—In any State in which a large number of local educational agencies overlap county boundaries, or for which the State believes the State has data that would better target funds than allocating the funds by county, the State educational agency may apply to the Secretary for authority to make the allocations under this part for a particular fiscal year directly to local educational agencies without regard to counties.

''(C) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—If the Secretary approves its application under subparagraph (B), the State educational agency shall provide the Secretary an assurance that the allocations will be made—

''(i) using precisely the same factors for determining a grant as are used under this section; or

''(ii) using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

''(D) APPEAL.—The State educational agency shall provide the Secretary an assurance that a procedure is or will be established through which local educational agencies that are dissatisfied with determinations under subparagraph (B) may appeal directly to the Secretary for a final determination.

''(4) PUERTO RICO.—For each fiscal year, the Secretary shall determine the percentage which the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

''(A) the percentage determined under the preceding sentence; and

''(B) 32 percent of the average per-pupil expenditure in the United States.

''(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—A local educational agency is eligible for a basic grant under this section for any fiscal year only if the number of children counted under subsection (c) for that agency is—

''(1) 10 or more; and

''(2) more than 2 percent of the total school-age population in the school district of the local educational agency.

''(c) CHILDREN TO BE COUNTED.—

''(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—

''(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraphs (2) and (3);

''(B) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4); and

''(C) the number of children determined under paragraph (4) for the preceding year as described in that paragraph, or for the second preceding year, as the Secretary finds appropriate) aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children and youth (other than such institutions operated by the United States), but not counted pursuant to chapter 1 of subpart 2 of part C of title III 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.—For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), available from the Department of Commerce. The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. 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 a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.

''(3) POPULATION UPDATES.—In fiscal year 2001 and every 2 years thereafter, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for counties or local educational agencies, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretary and the Secretary of Commerce shall publicly disclose their reasons. 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.

''(4) OTHER CHILDREN TO BE COUNTED.—For purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under a State program funded under part A of title IV of the Social Security Act. In making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics. The Secretary shall determine the number of children aged 5 through 17 living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year. 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.

''(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 (as determined under paragraph (2)) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

''(d) STATE MINIMUM.—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 the total amount made available to carry out this section for such fiscal year; or

''(2) the average of—

''(A) 0.25 percent of the total amount made available to carry out this section for such fiscal year; 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 fiscal year.

''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 that is eligible for a grant under section 1124 for any fiscal year is eligible for an additional grant under this section for that fiscal year if the number of

children counted under section 1124(c) who are served by the agency exceeds—

''(i) 6,500; or

''(ii) 15 percent of the total number of children aged 5 through 17 served by the agency.

''(B) MINIMUM.—Notwithstanding section 1122, no State shall receive under this section an amount that is less than the lesser of—

''(i) 0.25 percent of the total amount made available to carry out this section for such fiscal year; or

''(ii) the average of—

''(I) 0.25 percent of the sums 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 fiscal year.

''(2) DETERMINATION.—For each county or 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 amount in section 1124(a)(1)(B) for all States except the Commonwealth of Puerto Rico, and the amount in section 1124(a)(3) for the Commonwealth of Puerto Rico.

''(3) AMOUNT.—The amount of the additional grant for which an eligible local educational agency or county 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 products for all local educational agencies in the United States for that fiscal year.

''(4) LOCAL ALLOCATIONS.—

''(A) IN GENERAL.—Grant amounts under this section shall be calculated in the same manner as grant amounts are calculated under section 1124(a) (2) and (3).

''(B) SPECIAL RULE.—For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, a State may reserve not more than 2 percent of the amount made available to the State under this section for any fiscal year to make grants to local educational agencies that meet the criteria in paragraph (1)(A) (i) or (ii) but that are in ineligible counties.

''(b) RATABLE REDUCTION RULE.—If the sums available under subsection (a) for any fiscal year for making payments under this section are not sufficient to pay in full the total amounts which all States are eligible to receive under subsection (a) for such fiscal year, the maximum amounts that all States are eligible to receive under subsection (a) for such fiscal year shall be ratably reduced. In the case that additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

''(c) STATES RECEIVING 0.25 PERCENT OR LESS.—In States that receive 0.25 percent or less of the total amount made available to carry out this section for a fiscal year, the State educational agency shall allocate such funds among the local educational agencies in the State—

''(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. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if—

''(A) the number of children in the local educational agency counted under section 1124(c), before application of the weighted child count described in subsection (c), is at least 10; and

''(B) if the number of children counted for grants under section 1124(c), before application of the weighted child count described in subsection (c), is at least 5 percent of the total number of children aged 5 to 17 years, inclusive, in the school district of the local educational agency.

''(2) SPECIAL RULE.—For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, funds made available as a result of applying this subsection shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.

''(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND THE COMMONWEALTH OF PUERTO RICO.—

''(1) IN GENERAL.—The amount of the grant that a local educational agency in a State (other than the Commonwealth of Puerto Rico) is eligible to receive under this section for any fiscal year shall be the product of—

''(A) the weighted child count determined under subsection (c); and

''(B) the amount of the grant the local educational agency is eligible to receive under section 1124(a)(1).

''(2) PUERTO RICO.—For each fiscal year, the amount of the grant 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 the Commonwealth of Puerto Rico, multiplied by the amount determined in section 1124(a)(4) for the Commonwealth of Puerto Rico.

''(c) WEIGHTED CHILD COUNT.—

''(1) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—

''(A) IN GENERAL.—For each fiscal year for which the Secretary uses county population data to calculate grants, the weighted child count used to determine a county's allocation under this section is the larger of the 2 amounts determined under subparagraphs (B) and (C).

''(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) for that county who constitute not more than 12.20 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children who constitute more than 12.20 percent, but not more than 17.70 percent, of such population, multiplied by 1.75;

''(iii) the number of such children who constitute more than 17.70 percent, but not more than 22.80 percent, of such population, multiplied by 2.5;

''(iv) the number of such children who constitute more than 22.80 percent, but not more than 29.70 percent, of such population, multiplied by 3.25; and

''(v) the number of such children who constitute more than 29.70 percent of such population, multiplied by 4.0.

''(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) who constitute not more than 1,917, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children between 1,918 and 5,938, inclusive, in such population, multiplied by 1.5;

''(iii) the number of such children between 5,939 and 20,199, inclusive, in such population, multiplied by 2.0;

''(iv) the number of such children between 20,200 and 77,999, inclusive, in such population, multiplied by 2.5; and

''(v) the number of such children in excess of 77,999 in such population, multiplied by 3.0.

''(D) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for the Commonwealth of Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

''(2) WEIGHTS FOR ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

''(A) IN GENERAL.—For each fiscal year for which the Secretary uses local educational agency data, the weighted child count used to determine a local educational agency's grant under this section is the larger of the 2 amounts determined under subparagraphs (B) and (C).

''(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 14.265 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children who constitute more than 14.265 percent, but not more than 21.553 percent, of such population, multiplied by 1.75;

''(iii) the number of such children who constitute more than 21.553 percent, but not more than 29.223 percent, of such population, multiplied by 2.5;

''(iv) the number of such children who constitute more than 29.223 percent, but not more than 36.538 percent, of such population, multiplied by 3.25; and

''(v) the number of such children who constitute more than 36.538 percent of such population, multiplied by 4.0.

''(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) who constitute not more than 575, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children between 576 and 1,870, inclusive, in such population, multiplied by 1.5;

''(iii) the number of such children between 1,871 and 6,910, inclusive, in such population, multiplied by 2.0;

''(iv) the number of such children between 6,911 and 42,000, inclusive, in such population, multiplied by 2.5; and

''(v) the number of such children in excess of 42,000 in such population, multiplied by 3.0.

''(D) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for the Commonwealth of 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.—Grant amounts under this section shall be calculated in the same manner as grant amounts are calculated under section 1124(a)(2) and (3).

''(e) STATE MINIMUM.—Notwithstanding any other provision of this section or section 1122, from the total amount available for any fiscal year to carry out this section, each State shall be allotted not less than the lesser of—

''(1) 0.25 percent of the total amount made available to carry out this section for such fiscal year; or

''(2) the average of—

''(A) 0.25 percent of the total amount made available to carry out this section for such fiscal year; and

''(B) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighted child count, multiplied by the State's total number of children described in section 1124(c), without application of a weighted child count.

''SEC. 1125A. EDUCATION FINANCE INCENTIVE PROGRAM.

''(a) GRANTS.—From funds appropriated under subsection (e) the Secretary is authorized to make grants to States, from allotments under subsection (b), to carry out the purposes of this part.

''(b) DISTRIBUTION BASED UPON FISCAL EFFORT AND EQUITY.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), funds appropriated pursuant to subsection (e) shall be allotted to each State based upon the number of children aged 5 to 17, inclusive, in such State multiplied by the product of—

''(i) such State's effort factor described in paragraph (2); multiplied by

''(ii) 1.30 minus such State's equity factor described in paragraph (3).

''(B) MINIMUM.—For each fiscal year no State shall receive under this section less than 0.25 percent of the total amount appropriated under subsection (e) for the fiscal year.

''(2) EFFORT FACTOR.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the effort factor for a State shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than 0.95 nor greater than 1.05. The effort factor determined under this sentence shall be a fraction the numerator of which is the product of the 3-year average per-pupil expenditure in the State multiplied by the 3-year average per capita income in the United States and the denominator of which is the product of the 3-year average per capita income in such State multiplied by the 3-year average per-pupil expenditure in the United States.

''(B) COMMONWEALTH OF PUERTO RICO.—The effort factor for the Commonwealth of Puerto Rico shall be equal to the lowest effort factor calculated under subparagraph (A) for any State.

''(3) EQUITY FACTOR.—

''(A) DETERMINATION.—

''(i) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall determine the equity factor under this section for each State in accordance with clause (ii).

''(ii) COMPUTATION.—

''(I) IN GENERAL.—For each State, the Secretary shall compute a weighted coefficient of variation for the per-pupil expenditures of local educational agencies in accordance with subclauses (II), (III), (IV), and (V).

''(II) VARIATION.—In computing coefficients of variation, the Secretary shall weigh the variation between per-pupil expenditures in each local educational agency and the average per-pupil expenditures in the State according to the number of pupils served by the local educational agency.

''(III) NUMBER OF PUPILS.—In determining the number of pupils under this paragraph served by each local educational agency and in each State, the Secretary shall multiply the number of children from low-income families by a factor of 1.4.

''(IV) ENROLLMENT REQUIREMENT.—In computing coefficients of variation, the Secretary shall include only those local educational agencies with an enrollment of more than 200 students.

''(V) SEPARATE COEFFICIENTS.—The Secretary shall compute separate coefficients of variation for elementary schools, secondary schools, and unified local educational agencies and shall combine such coefficients into a single weighted average coefficient for the State by multiplying each coefficient by the total enrollments of the local educational agencies in each group, adding such products, and dividing such sum by the total enrollments of the local educational agencies in the State.

''(B) SPECIAL RULE.—The equity factor for a State that meets the disparity standard described in section 222.162 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the Educational Excellence for All Children Act of 20OO) or a State with only 1 local educational agency shall be not greater than 0.10.

''(C) REVISIONS.—The Secretary may revise each State's equity factor as necessary based on the advice of independent education finance scholars to reflect other need-based costs of local educational agencies in addition to low-income student enrollment, such as differing geographic costs, costs associated with students with disabilities, children with limited English-proficiency or other meaningful educational needs, which deserve additional support. In addition, after obtaining the advice of independent education finance scholars, the Secretary may revise each State's equity factor to incorporate other valid and accepted methods to achieve adequacy of educational opportunity that may not be reflected in a coefficient of variation method.

''(c) USE OF FUNDS.—All funds awarded to each State under this section shall be allocated to local educational agencies and schools on a basis consistent with the distribution of other funds to such agencies and schools under sections 1124, 1124A, and 1125 to carry out activities under this part.

''(d) MAINTENANCE OF EFFORT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

''(2) REDUCTION OF FUNDS.—The Secretary shall reduce the amount of funds awarded to any State under this section in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

''(3) WAIVERS.—The Secretary may waive, for 1 fiscal year only, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

''(e) 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.

''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 or delinquent children as described in section 1124(c)(1)(C), 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 such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

''(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 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 a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local educational agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

''SEC. 1127. CARRYOVER AND WAIVER.

''(a) LIMITATION ON CARRYOVER.—Notwithstanding section 421 of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

''(b) WAIVER.—A State educational agency may, once every 3 years, waive the percentage limitation in subsection (a) if—

''(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

''(2) supplemental appropriations for this subpart become available.

''(c) EXCLUSION.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than $50,000 under this subpart for any fiscal year.

''SEC. 1128. ENSURING APPROPRIATE USE OF FUNDS.

''For each fiscal year, the Secretary shall—

''(1) take all appropriate steps to ensure that, to the maximum extent consistent with this part, funds made available under this part are provided to local educational agencies with the largest concentrations of children eligible to be counted under section 1124(c); and

''(2) report to Congress on the steps taken under paragraph (1).''.

PART B—EVEN START FAMILY LITERACY PROGRAMS

SEC. 121. EVEN START FAMILY LITERACY PROGRAMS.

(a) PROGRAM AUTHORIZED.—

(1) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—Section 1202(a) (20 U.S.C. 6362(a)) is amended—

(A) in paragraph (1), by inserting ''(or, if such appropriated amount exceeds $250,000,000, 6 percent of such amount)'' after ''1002(b)'';

(B) in paragraph (2), by striking ''If the amount of funds made available under this subsection exceeds $4,600,000,'' and inserting ''After the date of the enactment of the Educational Excellence for All Children Act of 2000,''; and

(C) by adding at the end the following:

''(3) COORDINATION OF PROGRAMS FOR AMERICAN INDIANS.—The Secretary shall ensure that programs under paragraph (1)(C) are coordinated with family literacy programs operated by the Bureau of Indian Affairs in order to avoid duplication and to encourage the dissemination of information on high-quality family literacy programs serving American Indians.''.

(2) RESERVATION FOR FEDERAL ACTIVITIES.—Section 1202(b) (20 U.S.C. 6362(b)) is amended to read as follows:

''(b) RESERVATION FOR FEDERAL ACTIVITIES.—

''(1) EVALUATION, TECHNICAL ASSISTANCE, PROGRAM IMPROVEMENT, AND REPLICATION ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than 3 percent of such amounts or the amount reserved to carry out the activities described in paragraphs (1) and (2) of subsection (a) for the fiscal year 1994, whichever is greater, for purposes 0of—

''(A) carrying out the evaluation required by section 1209; and

''(B) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

''(2) RESEARCH.—In the case of fiscal years 2001 through 2005, if the amounts appropriated under section 1002(b) for any of such years exceed such amounts appropriated for the preceding fiscal year, the Secretary shall reserve from such excess amount $2,000,000 or 50 percent, whichever is less, to carry out section 1211.''.

(3) RESERVATION FOR GRANTS.—Section 1202(c) (20 U.S.C. 6362(c)) is amended—

(A) in the subsection heading, by striking ''FOR GRANTS'' and inserting ''FOR STATEWIDE FAMILY LITERACY INITIATIVES''; and

(B) by striking ''From funds reserved under section 2260(b)(3), the Secretary shall'' and inserting ''From funds appropriated under section 1002(b) for any fiscal year, the Secretary may''.

(c) STATE PLAN.—Part B of title I (20 U.S.C. 6361 et seq.) is amended by inserting after section 1202 (20 U.S.C. 6362) the following:

''SEC. 1202A. STATE PLAN.

''(a) CONTENTS.—Each State that desires to receive a grant under this part shall submit a plan to the Secretary containing such budgetary and other information as the Secretary may require. Each plan shall—

''(1) include the State's indicators of program quality developed under section 1210, or if the State has not completed work on those indicators, describe the State's progress in developing the indicators;

''(2) describe how the State is using, or will use, the indicators to monitor, evaluate, and improve projects the State assists under this part, and to decide whether to continue to assist those projects;

''(3) describe how the State will help each program assisted under this part ensure the full implementation of the program elements described in section 1205, including how the State will encourage local programs to use technology, such as distance learning, to improve program access and the intensity of services, especially for isolated populations;

''(4) describe how the State will conduct competition for subgrants, including the application of the criteria described in section 1208; and

''(5) describe how the State will coordinate resources, especially among State agencies, to improve family literacy services in the State.

''(b) DURATION.—Each State plan shall—

''(1) be submitted for the first year for which this part is in effect after the date of enactment of the Educational Excellence for All Children Act of 2000;

''(2) remain in effect for the duration of the State's participation under this part; and

''(3) be periodically reviewed and revised by the State, as necessary.''.

(d) USES OF FUNDS.—Section 1204 (20 U.S.C. 6364) is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (iv), by striking ''and'' after the semicolon; and

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

''(v) 50 percent in the fifth, sixth, seventh, and eighth such years; and

''(vi) 35 percent in any subsequent such year.''; and

(2) by adding at the end the following:

''(c) USE OF FUNDS FOR FAMILY LITERACY SERVICES.—

''(1) IN GENERAL.—A State may use a portion of funds received under this part to assist eligible entities receiving a subgrant under section 1203(b) in improving the quality of family literacy services provided under Even Start programs under this part, except that in no case may a State's use of funds for this purpose for a fiscal year result in a decrease from the level of activities and services provided to program participants in the preceding year.

''(2) PRIORITY.—In carrying out paragraph (1), a State shall give priority to programs that were of low quality, as evaluated based on the indicators of program quality developed by the State under section 1210.

''(3) TECHNICAL ASSISTANCE AND TRAINING.—Assistance under paragraph (1) shall be in the form of technical assistance and training, provided by a State through a grant, contract, or cooperative agreement with an entity that has experience in offering high quality training and technical assistance to family literacy providers.''.

(e) PROGRAM ELEMENTS.—Section 1205 (20 U.S.C. 6365) is amended—

(1) by amending paragraph (4) to read as follows:

''(4) provide high-quality, intensive family literacy services using instructional approaches that the best available research on reading indicates will be most effective in building adult literacy and children's language development and reading ability;'';

(2) by amending paragraph (7) to read as follows:

''(7) use methods that ensure that participating families successfully complete the program, including—

''(A) operating a year-round program, including continuing to provide some instructional services for participants during the summer months;

''(B) providing developmentally appropriate educational services for at least a 3-year age range of children;

''(C) encouraging participating families to regularly attend and remain in the program for a sufficient time to meet their program goals; and

''(D) promoting the continuity of family literacy services across critical points in the lives of children and their parents so that those individuals can retain and improve their educational outcomes;'';

(3) by amending paragraph (10) to read as follows:

''(10) provide for an independent evaluation of the program to be used for program improvement.'';

(4) by redesignating paragraphs (9) and (10) (as so amended) as paragraphs (10) and (11), respectively; and

(5) by inserting after paragraph (8) the following:

''(9) use instructional programs based on scientifically based reading research (as defined in section 2252) for children and, to the extent such research is available, for adults;''.

(f) ELIGIBLE PARTICIPANTS.—Section 1206 (20 U.S.C. 6366) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking ''and'' at the end and inserting ''or''; and

(C) by inserting after subparagraph (B), the following:

''(C) who are attending secondary school; and''; and

(2) in subsection (b), by adding at the end the following:

''(3) CHILDREN 8 YEARS OF AGE OR OLDER.—If an Even Start program assisted under this part collaborates with a program under part A, and funds received under such part A program pay the cost of providing family literacy services under this part to families with children 8 years of age or older who are not otherwise eligible under this subsection, the Even Start program, notwithstanding subsection (a)(2), may permit the participation of those children and families, so long as the main focus of the program assisted under this part remains on families with young children.''.

(g) APPLICATION.—

(1) PLAN.—Section 1207(c)(1)(F) (20 U.S.C. 6367(c)(1)(F)) is amended—

(A) by striking ''Act, the Goals 2000: Educate America Act,'' and inserting ''Act''; and

(B) by striking ''14306'' and inserting ''6506''.

(2) CONSOLIDATED APPLICATION.—Section 1207(d) (20 U.S.C. 6367(d)) is amended by striking ''14302'' and inserting ''6502''.

(h) AWARD OF SUBGRANTS.—

(1) REVIEW PANEL.—The matter preceding subparagraph (A) of section 1208(a)(3) (20 U.S.C. 6368(a)(3)) is amended—

(A) by inserting ''and one individual with expertise in family literacy programs.'' after ''education professional,''; and

(B) by striking ''and one or more of the following individuals:'' and inserting ''The review panel may include other individuals such as one or more of the following:''.

(2) CONTINUING ELIGIBILITY; FEDERAL SHARE.—Section 1208(b) (20 U.S.C. 6368(b)) is amended—

(A) by striking paragraph (3) and inserting the following:

''(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part after the first year, the State educational agency shall review the progress of each eligible entity in meeting the goals of the program referred to in section

1207(c)(1)(A) and shall evaluate the program based on the indicators of program quality developed by the State under section 1210.''; and

(B) in paragraph (5)—

(i) in subparagraph (A), by striking the last sentence; and

(ii) by amending subparagraph (B) to read as follows:

''(B) The Federal share of any subgrant renewed under subparagraph (A) shall be limited in accordance with section 1204(b).''.

(i) INDICATORS OF PROGRAM QUALITY.—Section 1210 (20 U.S.C. 6369a) is amended—

(1) in the matter preceding paragraph (1), by striking ''Each'' and inserting ''Not later than January 31, 2001, each''; and

(2) by adding at the end the following:

''(3) With respect to a program's implementation of high-quality, intensive family literacy services, specific levels of intensity of those services and the duration of individuals' participation that are necessary to result in the outcomes described in paragraphs (1) and (2), which levels the State periodically shall review and revise as needed to achieve those outcomes.''.

(j) RESEARCH.—Section 1211 (20 U.S.C. 6369b) is amended to read as follows:

''SEC. 1211. RESEARCH.

''(a) IN GENERAL.—From amounts reserved under section 1202(b)(2), the Secretary, in consultation with the National Institute for Literacy and other appropriate organizations, may carry out, directly or through grants or contracts, research on family literacy services, including—

''(1) scientifically based research on the development of reading and literacy in young children;

''(2) the most effective ways of improving the literacy skills of adults with reading difficulties; and

''(3) how family literacy services can best provide parents with the knowledge and skills the parents need to support their children's literacy development.

''(b) DISSEMINATION.—The Secretary shall ensure the dissemination, through the National Institute for Literacy and other appropriate means, of the results of the research conducted under subsection (a).''.

PART C—EDUCATION OF MIGRATORY CHILDREN

SEC. 131. PROGRAM PURPOSE.

Section 1301 (20 U.S.C. 6391) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (7), respectively;

(2) by inserting after paragraph (1) the following:

''(2) ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and State student performance and content standards;'';

(3) in paragraph (5) (as so redesignated), by striking ''and'' after the semicolon;

(4) in paragraph (6) (as so redesignated), by striking the period and inserting ''; and''; and

(5) by adding at the end the following:

''(7) ensure that migratory children receive full and appropriate opportunities to meet the same challenging State content and student performance standards that all children are expected to meet.''.

SEC. 132. STATE APPLICATION.

Section 1304 (20 U.S.C. 6394) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''a comprehensive'' and all that follows through ''1306;'' and inserting ''the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;'';

(B) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(C) by inserting after paragraph (1) the following:

''(2) a description of joint planning efforts that will be made with respect to programs assisted under this Act, local, State, and Federal programs, and bilingual education programs under part A of title VII;''; and

(2) in subsection (c), by amending paragraph (3) to read as follows:

''(3) in the planning and operation of programs and projects at both the State and local agency operating level there is consultation with parent advisory councils for programs of one school year in duration, and that all such programs and projects are carried out—

''(A) in a manner consistent with section 1118 unless extraordinary circumstances make implementation with such section impractical; and

''(B) in a format and language understandable to the parents;''.

SEC. 133. COMPREHENSIVE PLAN.

Section 1306(a)(1) (20 U.S.C. 6396(a)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking ''the Goals 2000: Educate America Act,''; and

(B) by striking ''14306'' and inserting ''6506''; and

(2) in subparagraph (B), by striking ''14302;'' and inserting ''6502, if—

''(i) the special needs of migratory children are specifically addressed in the comprehensive State plan;

''(ii) the comprehensive State plan is developed in collaboration with parents of migratory children; and

''(iii) the comprehensive State planning is not used to supplant State efforts regarding, or administrative funding for, this part;''.

SEC. 134. COORDINATION.

Section 1308 (20 U.S.C. 6398) is amended—

(1) by amending subsection (b) to read as follows:

''(b) ACCESS TO INFORMATION ON MIGRANT STUDENTS.—

''(1) NATIONAL SYSTEM.—(A) The Secretary shall establish a national system for electronically exchanging, among the States, health and educational information regarding all students served under this part. Such information shall include—

''(i) immunization records and other health information;

''(ii) elementary and secondary academic history (including partial credit), credit accrual, and results from State assessments required under this title;

''(iii) other academic information essential to ensuring that migrant children achieve to high standards; and

''(iv) eligibility for services under the Individuals with Disabilities Education Act.

''(B) The Secretary shall publish, not later than 120 days after the date of enactment of the Educational Excellence for All Children Act of 2000, a notice in the Federal Register seeking public comment on the proposed data elements that each State receiving funds under this part shall be required to collect for purposes of electronic transfer of migrant student information, the requirements for immediate electronic access to such information, and the educational agencies eligible to access such information.

''(C) Such system of electronic access to migrant student information shall be operational not later than 1 year after the date of enactment of the Educational Excellence for All Children Act of 2000.

''(D) For the purpose of carrying out this subsection in any fiscal year, the Secretary shall reserve not more than $10,000,000 of the amount appropriated to carry out this part for such year.

''(2) REPORT TO CONGRESS.—(A) Not later than April 30, 2002, the Secretary shall report 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 the Secretary's findings and recommendations regarding services under this part, and shall include in this report, recommendations for the interim measures that may be taken to ensure continuity of services under this part.

''(B) The Secretary shall assist States in developing effective methods for the transfer of student records and in determining the number of students or full-time equivalent students in each State if such interim measures are required.''.

(2) in subsection (c), by striking ''$6,000,000'' and inserting ''$10,000,000'';

(3) in subsection (d)(1), by striking ''$1,500,000'' and inserting ''$3,000,000''; and

(4) by adding at the end the following:

''(e) DATA COLLECTION.—The Secretary shall direct the National Center for Education Statistics to collect data on migratory children.''.

PART D—PARENTAL ASSISTANCE

SEC. 141. PARENTAL ASSISTANCE.

Part D of title I (20 U.S.C. 6421 et seq.) is amended to read as follows:

''PART D—PARENTAL ASSISTANCE AND CHILD OPPORTUNITY

''Subpart I—Parental Assistance''.

''SEC. 1401. PARENTAL INFORMATION AND RESOURCE CENTERS.

''(a) PURPOSE.—The purpose of this part is—

''(1) to provide leadership, technical assistance, and financial support to nonprofit organizations and local educational agencies to help the organizations and agencies implement successful and effective parental involvement policies, programs, and activities that lead to improvements in student performance;

''(2) to strengthen partnerships among parents (including parents of preschool age children), teachers, principals, administrators, and other school personnel in meeting the educational needs of children;

''(3) to develop and strengthen the relationship between parents and the school;

''(4) to further the developmental progress primarily of children assisted under this part; and

''(5) to coordinate activities funded under this part with parental involvement initiatives funded under section 1118 and other provisions of this Act.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants in each fiscal year to nonprofit organizations, and nonprofit organizations in consortia with local educational agencies, to establish school-linked or school-based parental information and resource centers that provide training, information, and support to—

''(A) parents of children enrolled in elementary schools and secondary schools;

''(B) individuals who work with the parents described in subparagraph (A); and

''(C) State educational agencies, local educational agencies, schools, organizations that support family-school partnerships (such as parent-teacher associations), and other organizations that carry out parent education and family involvement programs.

''(2) AWARD RULE.—In awarding grants under this part, the Secretary shall ensure that such grants are distributed in all geographic regions of the United States.

''SEC. 1402. APPLICATIONS.

''(a) GRANTS APPLICATIONS.—

''(1) IN GENERAL.—Each nonprofit organization or nonprofit organization in consortium with a local educational agency that desires a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary shall require.

''(2) CONTENTS.—Each application submitted under paragraph (1), at a minimum, shall include assurances that the organization or consortium will—

''(A)(i) be governed by a board of directors the membership of which includes parents; or

''(ii) be an organization or consortium that represents the interests of parents;

''(B) establish a special advisory committee the membership of which includes—

''(i) parents described in section 1401(b)(1)(A);

''(ii) representatives of education professionals with expertise in improving services for disadvantaged children; and

''(iii) representatives of local elementary schools and secondary schools who may include students and representatives from local youth organizations;

''(C) use at least ½ of the funds provided under this part in each fiscal year to serve areas with high concentrations of low-income families in order to serve parents who are severely educationally or economically disadvantaged;

''(D) operate a center of sufficient size, scope, and quality to ensure that the center is adequate to serve the parents in the area;

''(E) serve both urban and rural areas;

''(F) design a center that meets the unique training, information, and support needs of parents described in section 1401(b)(1)(A), particularly such parents who are educationally or economically disadvantaged;

''(G) demonstrate the capacity and expertise to conduct the effective training, information and support activities for which assistance is sought;

''(H) network with—

''(i) local educational agencies and schools;

''(ii) parents of children enrolled in elementary schools and secondary schools;

''(iii) parent training and information centers assisted under section 682 of the Individuals with Disabilities Education Act;

''(iv) clearinghouses; and

''(v) other organizations and agencies;

''(I) focus on serving parents described in section 1401(b)(1)(A) who are parents of low-income, minority, and limited English proficient, children;

''(J) use part of the funds received under this part to establish, expand, or operate Parents as Teachers programs or Home Instruction for Preschool Youngsters programs;

''(K) provide assistance to parents in such areas as understanding State and local standards and measures of student and school performance; and

''(L) work with State and local educational agencies to determine parental needs and delivery of services.

''(b) GRANT RENEWAL.—For each fiscal year after the first fiscal year an organization or consortium receives assistance under this part, the organization or consortium shall demonstrate in the application submitted for such fiscal year after the first fiscal year that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which contributions may be in cash or in kind.

''SEC. 1403. USES OF FUNDS.

''(a) IN GENERAL.—Grant funds received under this part shall be used—

''(1) to assist parents in participating effectively in their children's education and to help their children meet State and local standards, such as assisting parents—

''(A) to engage in activities that will improve student performance, including understanding the accountability systems in place within their State educational agency and local educational agency and understanding their children's educational performance in comparison to State and local standards;

''(B) to provide followup support for their children's educational achievement;

''(C) to communicate effectively with teachers, principals, counselors, administrators, and other school personnel;

''(D) to become active participants in the development, implementation, and review of school-parent compacts, parent involvement policies, and school planning and improvement;

''(E) to participate in the design and provision of assistance to students who are not making adequate educational progress;

''(F) to participate in State and local decisionmaking; and

''(G) to train other parents;

''(2) to obtain information about the range of options, programs, services, and resources available at the national, State, and local levels to assist parents and school personnel who work with parents;

''(3) to help the parents learn and use the technology applied in their children's education;

''(4) to plan, implement, and fund activities for parents that coordinate the education of their children with other Federal programs that serve their children or their families; and

''(5) to provide support for State or local educational personnel if the participation of such personnel will further the activities assisted under the grant.

''(b) PERMISSIVE ACTIVITIES.—Grant funds received under this part may be used to assist schools with activities such as—

''(1) developing and implementing their plans or activities under sections 1118 and 1119; and

''(2) developing and implementing school improvement plans, including addressing problems that develop in the implementation of sections 1118 and 1119.

''(3) providing information about assessment and individual results to parents in a manner and a language the family can understand;

''(4) coordinating the efforts of Federal, State, and local parent education and family involvement initiatives; and

''(5) providing training, information, and support to—

''(A) State educational agencies;

''(B) local educational agencies and schools, especially those local educational agencies and schools that are low performing; and

''(C) organizations that support family-school partnerships.

''(c) GRANDFATHER CLAUSE.—The Secretary shall use funds made available under this part to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under title IV of the Goals 2000: Educate America Act (as such title was in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000) for the duration of the grant or contract award.

''SEC. 1403A. LOCAL FAMILY INFORMATION CENTERS.

''(a) CENTERS AUTHORIZED.—The Secretary shall award grants to, and enter into contracts and cooperative agreements with, local nonprofit parent organizations to enable the organizations to support local family information centers that help ensure that parents of students in schools assisted under part A have the training, information, and support the parents need to enable the parents to participate effectively in helping their children to meet challenging State standards.

''(b) DEFINITION OF LOCAL NONPROFIT PARENT ORGANIZATION.—In this section, the term 'local nonprofit parent organization' means a private nonprofit organization (other than an institution of higher education) that—

''(1) has a demonstrated record of working with low-income individuals and parents;

''(2)(A) has a board of directors the majority of whom are parents of students in schools that are assisted under part A and located in the geographic area to be served by the center; or

''(B) has a special governing committee to direct and implement the center, a majority of the members of whom are parents of students in schools assisted under part A; and

''(3) is located in a community with schools that receive funds under part A, and is accessible to the families of students in those schools.

''(c) REQUIRED CENTER ACTIVITIES.—Each center assisted under this section shall be exempt from the uses of funds requirements under section 1403 and shall instead—

''(1) provide training, information, and support that meets the needs of parents of children in schools assisted under part A who are served through the grant, contract, or cooperative agreement, particularly underserved parents, low-income parents, parents of students with limited English proficiency, parents of students with disabilities, and parents of students in schools identified for school improvement or corrective action under section 1116(c);

''(2) help families of students enrolled in a school assisted under part A to understand and participate in all of the provisions of this Act designed to improve the achievement of students in the school;

''(3) provide information in a language and form that parents understand, including taking steps to ensure that underserved parents, low-income parents, parents with limited English proficiency, parents of students with disabilities, or parents of students in schools identified for school improvement or corrective action, are effectively informed and assisted;

''(4) assist parents to—

''(A) understand what their child's school is doing to enable students at the school to meet the State and local standards, including understanding the curriculum and instructional methods the school is using to help the students meet the standards;

''(B) better understand their child's educational needs, where their child stands with respect to State standards, how the school is addressing the child's education needs, and how they can work with their child to increase the child's academic achievement;

''(C) participate in the decisionmaking processes at the school, school district, and State levels;

''(D) understand and benefit from the provisions of other Federal education programs; and

''(E) understand public school choice options available in the local community, including magnet schools, charter schools, and alternative schools;

''(5) be designed to meet the specific needs of families who experience significant isolation from available sources of information and support; and

''(6) report annually to the Secretary regarding measures, determined by the Secretary, that indicate the program's effectiveness in reaching underserved parents and developing meaningful parent involvement in schools assisted under part A.

''(c) APPLICATION REQUIREMENTS.—Each local nonprofit parent organization desiring assistance under this section shall submit to the Secretary an application (in place of the

application required under section 1402) at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

''(1) describe how the organization will use the assistance to help families under this section;

''(2) describe what steps the organization has taken to meet with school district or school personnel in the geographic area to be served by the center in order to inform the personnel of the plan and application for the assistance; and

''(3) identify with specificity the special efforts that the organization will take—

''(A) to ensure that the needs for training, information, and support for parents of students in schools assisted under part A, particularly underserved parents, low-income parents, parents with limited English proficiency, parents of students with disabilities, and parents of students in schools identified for school improvement or corrective action, are effectively met; and

''(B) to work with community-based organizations.

''(d) DISTRIBUTION OF FUNDS.—

''(1) ALLOCATION OF FUNDS.—The Secretary shall make at least 2 awards of assistance under this section to a local nonprofit parent organization in each State, unless the Secretary does not receive at least 2 applications from such organizations in a State of sufficient quality to warrant providing the assistance in the State.

''(2) SELECTION REQUIREMENT FOR LOCAL FAMILY INFORMATION CENTERS.—

''(A) IN GENERAL.—The Secretary shall select local nonprofit parent organizations in a State to receive assistance under this section in a manner that ensures the provision of the most effective assistance to low-income parents of students in schools assisted under part A.

''(B) PRIORITY.—The Secretary shall give priority to—

''(i) non-profit parent organizations that are located in rural and urban areas in the State where the percentage of students from families at or below the poverty line is greater than the median, as determined by the State; and

''(ii) areas with high school dropout rates, high percentages of limited English proficient students, or schools identified for school improvement or corrective action under section 1116(c).

''SEC. 1404. TECHNICAL ASSISTANCE.

''The Secretary shall provide technical assistance, by grant or contract, for the establishment, development, and coordination of parent training, information, and support programs and parental information and resource centers.

''SEC. 1405. REPORTS.

''(a) INFORMATION.—Each organization or consortium receiving assistance under this part shall submit to the Secretary, on an annual basis, information concerning the parental information and resource centers assisted under this part, including—

''(1) the number of parents (including the number of minority and limited English proficient parents) who receive information and training;

''(2) the types and modes of training, information, and support provided under this part;

''(3) the strategies used to reach and serve parents of minority and limited English proficient children, parents with limited literacy skills, and other parents in need of the services provided under this part;

''(4) the parental involvement policies and practices used by the center and an evaluation of whether such policies and practices are effective in improving home-school communication, student achievement, student and school performance, and parental involvement in school planning, review, and improvement; and

''(5) the effectiveness of the activities that local educational agencies and schools are carrying out with regard to parental involvement and other activities assisted under this Act that lead to improved student achievement and improved student and school performance.

''(b) DISSEMINATION.—The Secretary annually shall disseminate, widely to the public and to Congress, the information that each organization or consortium submits under subsection (a) to the Secretary.

''SEC. 1406. GENERAL PROVISIONS.

''Notwithstanding any other provision of this part—

''(1) no person, including a parent who educates a child at home, a public school parent, or a private school parent, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this part; and

''(2) no program or center assisted under this part shall take any action that infringes in any manner on the right of a parent to direct the education of their children.''.

SEC. 142. CHILD OPPORTUNITY ZONE FAMILY CENTERS.

Part D of title I (20 U.S.C. 6421 et seq.) is amended by adding at the end the following:

''Subpart II—Child Opportunity Zone Family Centers

''SEC. 1451. SHORT TITLE.

''This subpart may be cited as the 'Child Opportunity Zone Family Center Act of 2000'.

''SEC. 1452. PURPOSE.

''The purpose of this subpart is to encourage eligible partnerships to establish or expand child opportunity zone family centers in public elementary schools and secondary schools in order to provide comprehensive support services for children and their families, and to improve the children's educational, health, mental health, and social outcomes.

''SEC. 1453. DEFINITIONS.

''In this subpart:

''(1) CHILD OPPORTUNITY ZONE FAMILY CENTER.—The term 'child opportunity zone family center' means a school-based or school-linked community service center that provides and links children and their families with comprehensive information, support, services, and activities to improve the education, health, mental health, safety, and economic well-being of the children and their families.

''(2) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership—

''(A) that contains—

''(i) at least 1 public elementary school or secondary school that—

''(I) receives assistance under this title and for which a measure of poverty determination is made under section 1113(a)(5) with respect to a minimum of 40 percent of the children in the school; and

''(II) demonstrates parent involvement and parent support for the partnership's activities;

''(ii) a local educational agency;

''(iii) a public agency, other than a local educational agency, such as a local or State department of health, mental health, or social services; and

''(iv) a nonprofit community-based organization, providing health, mental health, or social services;

''(v) a local child care resource and referral agency; and

''(vi) a local organization representing parents; and

''(B) that may contain—

''(i) an institution of higher education; and

''(ii) other public or private nonprofit entities with experience in providing services to disadvantaged families.

''SEC. 1454. GRANTS AUTHORIZED.

''(a) IN GENERAL.—The Secretary may award, on a competitive basis, grants to eligible partnerships to pay for the Federal share of the cost of establishing and expanding child opportunity zone family centers.

''(b) DURATION.—The Secretary shall award grants under this section for periods of 5 years.

''SEC. 1455. REQUIRED ACTIVITIES.

''Each eligible partnership receiving a grant under this subpart shall use the grant funds—

''(1) in accordance with the needs assessment described in section 1456(b)(1), to provide or link children and their families with information, support, activities, or services in core areas such as education, child care, before- and after-school care and enrichment programs, health services, mental health services, family support, literacy services, parenting skills, and drop-out prevention;

''(2) to provide intensive, high-quality, research-based programs that—

''(A) provide violence prevention education for families and developmentally appropriate instructional services to children (including children below the age of compulsory school attendance); and

''(B) provide effective strategies for nurturing and supporting the emotional, social, and cognitive growth of children; and

''(3) to provide training, information, and support to families to enable the families to participate effectively in their children's education, and to help their children meet challenging standards.

''SEC. 1456. APPLICATIONS.

''(a) IN GENERAL.—Each eligible partnership desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall—

''(1) include a needs assessment, including a description of how the partnership will ensure that the activities to be assisted under this subpart will be tailored to meet the specific needs of the children and families to be served;

''(2) describe arrangements that have been formalized between the participating public elementary school or secondary school, and other partnership members;

''(3) describe how the partnership will effectively coordinate with the centers under subpart I and utilize Federal, State, and local sources of funding that provide assistance to families and their children;

''(4) describe the partnership's plan to—

''(A) develop and carry out the activities assisted under this subpart with extensive participation of parents, administrators, teachers, pupil services personnel, social and human service agencies, and community organizations and leaders; and

''(B) coordinate the activities assisted under this subpart with the education reform efforts of the participating public elementary school or secondary school, and the participating local educational agency;

''(5) describe how the partnership will ensure that underserved populations such as families of students with limited English proficiency, or families of students with disabilities, are effectively involved, informed, and assisted;

''(6) describe how the partnership will collect and analyze data, and will utilize specific performance measures and indicators to—

''(A) determine the impact of activities assisted under this subpart as described in section 1459(a); and

''(B) improve the activities assisted under this subpart; and

''(7) describe how the partnership will protect the privacy of families and their children participating in the activities assisted under this subpart.

''SEC. 1457. FEDERAL SHARE.

''The Federal share of the cost of establishing and expanding child opportunity zone family centers—

''(1) for the first year for which an eligible partnership receives assistance under this subpart shall not exceed 90 percent;

''(2) for the second such year, shall not exceed 80 percent;

''(3) for the third such year, shall not exceed 70 percent;

''(4) for the fourth such year, shall not exceed 60 percent; and

''(5) for the fifth such year, shall not exceed 50 percent.

''SEC. 1458. CONTINUATION OF FUNDING.

''Each eligible partnership that receives a grant under this subpart shall, after the third year for which the partnership receives funds through the grant, be eligible to continue to receive the funds if the Secretary determines that the partnership has made significant progress in meeting the performance measures used for the partnership's local evaluation under section 1456(b)(6).

''SEC. 1459. EVALUATIONS AND REPORTS.

''(a) LOCAL EVALUATIONS.—Each partnership receiving funds under this subpart shall conduct annual evaluations and submit to the Secretary reports containing the results of the evaluations. The reports shall include the results of the partnerships performance assessment described in section 1456(b)(6).

''(b) NATIONAL EVALUATIONS.—The Secretary shall reserve not more than 3 percent of the amount appropriated under this subpart to carry out a national evaluation of the effectiveness of the activities assisted under this subpart. Such evaluation shall be completed not later than 3 years after the date of enactment of the Child Opportunity Zone Family Center Act of 2000, and every year thereafter and shall be submitted to Congress.

''(c) EXEMPLARY ACTIVITIES.—The Secretary shall broadly disseminate information on exemplary activities developed under this subpart.

''SEC. 1460. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2004.''.

PART E—GENERAL PROVISIONS; COMPREHENSIVE SCHOOL REFORM; ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

SEC. 151. GENERAL PROVISIONS; COMPREHENSIVE SCHOOL REFORM; ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS.

Part A of title I (20 U.S.C. 6311) is amended—

(1) by redesignating part F as part H;

(2) by redesignating sections 1601 through 1604 as sections 1901 through 1904, respectively; and

(3) by inserting after part E the following:

''PART F—COMPREHENSIVE SCHOOL REFORM

''SEC. 1601. PURPOSE.

''The purpose of this part is to provide financial incentives for schools to develop comprehensive school reforms based upon promising and effective practices and research-based programs that emphasize basic academics and parental involvement so that all children can meet challenging State content and student performance standards.

''SEC. 1602. PROGRAM AUTHORIZATION.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants to State educational agencies, from allotments under paragraph (2), to enable the State educational agencies to award subgrants to local educational agencies to carry out the purpose described in section 1601.

''(2) ALLOTMENTS.—

''(A) RESERVATIONS.—Of the amount appropriated under section 1002(h) for a fiscal year, the Secretary may reserve—

''(i) not more than 1 percent to provide assistance to 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 according to their respective needs for assistance under this part; and

''(ii) not more than 1 percent to conduct national evaluation activities described in section 1607.

''(B) IN GENERAL.—Of the amount appropriated under section 1002(h) that remains after making the reservation under subparagraph (A) for a fiscal year, the Secretary shall allot to each State for the fiscal year an amount that bears the same ratio to the remainder 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 made available under section 1124 to all States for that year.

''(C) REALLOTMENT.—If a State does not apply for funds under this section, the Secretary shall reallot such funds to other States that do not apply in proportion to the amount allotted to such other States under subparagraph (B).

''SEC. 1603. STATE APPLICATIONS.

''(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 information as the Secretary may reasonably require.

''(b) CONTENTS.—Each such application shall describe—

''(1) 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;

''(2) how the State educational agency will ensure that only comprehensive school reforms that are based on promising and effective practices and research-based programs receive funds under this part;

''(3) how the State educational agency will disseminate information on comprehensive school reforms that are based on promising and effective practices and research-based programs;

''(4) how the State educational agency will evaluate the implementation of such reforms and measure the extent to which the reforms have resulted in increased student academic performance; and

''(5) how the State educational agency will make available technical assistance to a local educational agency or consortia of local educational agencies in evaluating, developing, and implementing comprehensive school reform.

''SEC. 1604. STATE USE OF FUNDS.

''(a) IN GENERAL.—Except as provided in subsection (e), a State educational agency that receives a grant under this part shall use the grant funds to award subgrants, on a competitive basis, to local educational agencies or consortia of local educational agencies in the State that receive funds under part A.

''(b) SUBGRANT REQUIREMENTS.—A subgrant to a local educational agency or consortium shall be—

''(1) 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 or consortium;

''(2) in an amount not less than $50,000 for each participating school; and

''(3) renewable for 2 additional 1-year periods after the initial 1-year grant is made if the school is making substantial progress in the implementation of reforms.

''(c) PRIORITY.—A State educational agency, in awarding subgrants under this part, shall give priority to local educational agencies or consortia that—

''(1) plan to use the funds in schools identified as being in need of improvement or corrective action under section 1116(c); and

''(2) 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 awarding subgrants under this part, the State educational agency shall take into consideration the equitable distribution of subgrants to different geographic regions within the State, including urban and rural areas, and to schools serving elementary school and secondary students.

''(e) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant under this part may reserve not more than 5 percent of the grant funds for administrative, evaluation, and technical assistance expenses.

''(f) SUPPLEMENT.—Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part.

''(g) REPORTING.—Each State educational agency that receives a grant under this part shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools receiving assistance under this part, the amount of the assistance, and a description of the comprehensive school reform model selected and used.

''SEC. 1605. LOCAL APPLICATIONS.

''(a) IN GENERAL.—Each local educational agency or consortium of local educational agencies desiring a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

''(b) CONTENTS.—Each such application shall—

''(1) identify the schools, that are eligible for assistance under part A, that plan to implement a comprehensive school reform program, including the projected costs of such a program;

''(2) describe the promising and effective practices and research-based programs that such schools will implement;

''(3) describe how the local educational agency or consortium will provide technical assistance and support for the effective implementation of the promising and effective practices and research-based school reforms selected by such schools; and

''(4) describe how the local educational agency or consortium will evaluate the implementation of such reforms and measure the results achieved in improving student academic performance.

"SEC. 1606. LOCAL USE OF FUNDS.

''(a) USES OF FUNDS.—A local educational agency or consortium that receives a subgrant under this section shall provide the subgrant funds to schools, that are eligible for assistance under part A and served by the agency, to enable the schools to implement a comprehensive school reform program for—

''(1) employing innovative strategies for student learning, teaching, and school management that are based on promising and effective practices and research-based programs and have been replicated successfully in schools with diverse characteristics;

''(2) integrating a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, and professional development into a comprehensive reform plan for schoolwide change designed to enable all students to meet challenging State content and student performance standards and addresses needs identified through a school needs assessment;

''(3) providing high quality and continuous teacher and staff professional development;

''(4) the inclusion of measurable goals for student performance;

''(5) support for teachers, principals, administrators, and other school personnel staff;

''(6) meaningful community and parental involvement initiatives that will strengthen school improvement activities;

''(7) using high quality external technical support and assistance from an entity that has experience and expertise in schoolwide reform and improvement, which may include an institution of higher education;

''(8) evaluating school reform implementation and student performance; and

''(9) identification of other resources, including Federal, State, local, and private resources, that shall be used to coordinate services that will support and sustain the school reform effort.

''(b) 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 Secretary, but may develop the school's own comprehensive school reform programs for schoolwide change as described in subsection (a).

"SEC. 1607. NATIONAL EVALUATION AND REPORTS.

''(a) IN GENERAL.—The Secretary shall develop a plan for a national evaluation of the programs assisted under this part.

''(b) EVALUATION.—The national evaluation shall—

''(1) evaluate the implementation and results achieved by schools after 3 years of implementing comprehensive school reforms; and

''(2) assess the effectiveness of comprehensive school reforms in schools with diverse characteristics.

''(c) REPORTS.—Prior to the completion of the national evaluation, the Secretary shall submit an interim report describing implementation activities for the Comprehensive School Reform Program, which began in 1998, to the Committee on Education and the Workforce, and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate.

"PART G—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

"SEC. 1701. PURPOSE.

''The purpose of this part is to provide for school dropout prevention and reentry and to raise academic achievement levels by providing grants, to schools through State educational agencies, that—

''(1) challenge all children to attain their highest academic potential; and

''(2) ensure that all students have substantial and ongoing opportunities to do so through schoolwide programs proven effective in school dropout prevention.

"Subpart 1—Coordinated National Strategy

"SEC. 1711. NATIONAL ACTIVITIES.

''(a) IN GENERAL.—The Secretary is authorized—

''(1) to collect systematic data on the participation in the programs described in paragraph (2)(C) of individuals disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged;

''(2) to establish and to consult with an interagency working group which shall—

''(A) address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and middle school and secondary school reentry, assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention;

''(B) describe the ways in which State and local agencies can implement effective school dropout prevention programs using funds from a variety of Federal programs, including the programs under this title and the School-to-Work Opportunities Act of 1994; and

''(C) address all Federal programs with school dropout prevention or school reentry elements or objectives, programs under title I of this Act, the School-to-Work Opportunities Act of 1994, part B of title IV of the Job Training Partnership Act, subtitle C of title I of the Workforce Investment Act of 1998, and other programs; and

''(3) carry out a national recognition program in accordance with subsection (b) that recognizes schools that have made extraordinary progress in lowering school dropout rates under which a public middle school or secondary school from each State will be recognized.

''(b) RECOGNITION PROGRAM.—

''(1) NATIONAL GUIDELINES.—The Secretary shall develop uniform national guidelines for the recognition program which shall be used to recognize schools from nominations submitted by State educational agencies.

''(2) ELIGIBLE SCHOOLS.—The Secretary may recognize under the recognition program any public middle school or secondary school (including a charter school) that has implemented comprehensive reforms regarding the lowering of school dropout rates for all students at that school.

''(3) SUPPORT.—The Secretary may make monetary awards to schools recognized under the recognition program in amounts determined by the Secretary. Amounts received under this section shall be used for dissemination activities within the school district or nationally.

"Subpart 2—National School Dropout Prevention Initiative

"SEC. 1721. PROGRAM AUTHORIZED.

''(a) ALLOTMENTS TO STATES.—

''(1) IN GENERAL.—From the sum made available under section 1732(b) for a fiscal year the Secretary shall make an allotment to each State in an amount that bears the same relation to the sum as the amount the State received under this title for the preceding fiscal year bears to the amount received by all States under this title for the preceding fiscal year.

''(2) DEFINITION OF STATE.—In this subpart, the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(b) GRANTS.—From amounts made available to a State under subsection (a), the State educational agency may award grants to public middle schools or secondary schools, that have school dropout rates which are in the highest ⅓ of all school dropout rates in the State, to enable the schools to pay only the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs that involve activities such as—

''(1) professional development;

''(2) obtaining curricular materials;

''(3) release time for professional staff;

''(4) planning and research;

''(5) remedial education;

''(6) reduction in pupil-to-teacher ratios;

''(7) efforts to meet State student achievement standards;

''(8) counseling and mentoring for at-risk students; and

''(9) comprehensive school reform models.

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to subsection (d) and except as provided in paragraph (2), a grant under this subpart shall be awarded—

''(A) in the first year that a school receives a grant payment under this subpart, in an amount that is not less than $50,000 and not more than $100,000, based on factors such as—

''(i) school size;

''(ii) costs of the model or set of prevention and reentry strategies being implemented; and

''(iii) local cost factors such as poverty rates;

''(B) in the second such year, in an amount that is not less than 75 percent of the amount the school received under this subpart in the first such year;

''(C) in the third year, in an amount that is not less than 50 percent of the amount the school received under this subpart in the first such year; and

''(D) in each succeeding year in an amount that is not less than 30 percent of the amount the school received under this subpart in the first such year.

''(2) INCREASES.—The Secretary shall increase the amount awarded to a school under this subpart by 10 percent if the school creates smaller learning communities within the school and the creation is certified by the State educational agency.

''(d) DURATION.—A grant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 1727(a), that significant progress has been made in lowering the school dropout rate for students participating in the program assisted under this subpart compared to students at similar schools who are not participating in the program.

"SEC. 1722. STRATEGIES AND CAPACITY BUILDING.

''(a) STRATEGIES.—Each school receiving a grant under this subpart shall implement research-based, sustainable, and widely replicated, strategies for school dropout prevention and reentry that address the needs of an

entire school population rather than a subset of students. The strategies may include—

''(1) specific strategies for targeted purposes, such as effective early intervention programs designed to identify at-risk students, effective programs encompassing traditionally underserved students, including racial and ethnic minorities and pregnant and parenting teenagers, designed to prevent such students from dropping out of school, and effective programs to identify and encourage youth who have already dropped out of school to reenter school and complete their secondary education; and

''(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, creating alternative school programs, developing clear linkages to career skills and employment, and addressing specific gatekeeper hurdles that often limit student retention and academic success.

''(b) CAPACITY BUILDING.—

''(1) IN GENERAL.—The Secretary, through a contract with a non-Federal entity, shall conduct a capacity building and design initiative in order to increase the types of proven strategies for dropout prevention and reentry that address the needs of an entire school population rather than a subset of students.

''(2) NUMBER AND DURATION.—

''(A) NUMBER.—The Secretary shall award not more than 5 contracts under this subsection.

''(B) DURATION.—The Secretary shall award a contract under this section for a period of not more than 5 years.

''(c) SUPPORT FOR EXISTING REFORM NETWORKS.—

''(1) IN GENERAL.—The Secretary shall provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this subpart.

''(2) DEFINITION OF ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that, prior to the date of enactment of the Educational Excellence for All Children Act of 2000—

''(A) provided training, technical assistance, and materials to 100 or more elementary schools or secondary schools; and

''(B) developed and published a specific educational program or design for use by the schools.

"SEC. 1723. SELECTION OF SCHOOLS.

''(a) SCHOOL APPLICATION.—

''(1) IN GENERAL.—Each school desiring a grant under this subpart shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall—

''(A) contain a certification from the local educational agency serving the school that—

''(i) the school has the highest number or rates of school dropouts in the age group served by the local educational agency;

''(ii) the local educational agency is committed to providing ongoing operational support, for the school's comprehensive reform plan to address the problem of school dropouts, for a period of 5 years; and

''(iii) the local educational agency will support the plan, including—

''(I) release time for teacher training;

''(II) efforts to coordinate activities for feeder schools; and

''(III) encouraging other schools served by the local educational agency to participate in the plan;

''(B) demonstrate that the faculty and administration of the school have agreed to apply for assistance under this subpart, and provide evidence of the school's willingness and ability to use the funds under this subpart, including providing an assurance of the support of 80 percent or more of the professional staff at the school;

''(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

''(D) describe a budget and timeline for implementing the strategies;

''(E) contain evidence of coordination with existing resources;

''(F) provide an assurance that funds provided under this subpart will supplement and not supplant other Federal, State, and local funds;

''(G) describe how the activities to be assisted conform with research-based knowledge about school dropout prevention and reentry; and

''(H) demonstrate that the school and local educational agency have agreed to conduct a schoolwide program under section 1114.

''(b) STATE AGENCY REVIEW AND AWARD.—The State educational agency shall review applications and award grants to schools under subsection (a) according to a review by a panel of experts on school dropout prevention.

''(c) ELIGIBILITY.—A school is eligible to receive a grant under this subpart if the school is—

''(1) a public school (including a public alternative school)—

''(A) that is eligible to receive assistance under part A, including a comprehensive secondary school, a vocational or technical secondary school, and a charter school; and

''(B)(i) that serves students 50 percent or more of whom are low-income individuals; or

''(ii) with respect to which the feeder schools that provide the majority of the incoming students to the school serve students 50 percent or more of whom are low-income individuals; or

''(2) participating in a schoolwide program under section 1114 during the grant period.

''(d) COMMUNITY-BASED ORGANIZATIONS.—A school that receives a grant under this subpart may use the grant funds to secure necessary services from a community-based organization, including private sector entities, if—

''(1) the school approves the use;

''(2) the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts; and

''(3) the community-based organization has demonstrated the organization's ability to provide effective services as described in section 107(a) of the Job Training Partnership Act, or section 122 of the Workforce Investment Act of 1998.

''(e) COORDINATION.—Each school that receives a grant under this subpart shall coordinate the activities assisted under this subpart with other Federal programs, such as programs assisted under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 and the School-to-Work Opportunities Act of 1994.

"SEC. 1724. DISSEMINATION ACTIVITIES.

''Each school that receives a grant under this subpart shall provide information and technical assistance to other schools within the school district, including presentations, document-sharing, and joint staff development.

"SEC. 1725. PROGRESS INCENTIVES.

''Notwithstanding any other provision of law, each local educational agency that receives funds under this title shall use such funding to provide assistance to schools served by the agency that have not made progress toward lowering school dropout rates after receiving assistance under this subpart for 2 fiscal years.

"SEC. 1726. SCHOOL DROPOUT RATE CALCULATION.

''For purposes of calculating a school dropout rate under this subpart, a school shall use—

''(1) the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data, if available; or

''(2) in other cases, a standard method for calculating the school dropout rate as determined by the State educational agency.

"SEC. 1727. REPORTING AND ACCOUNTABILITY.

''(a) REPORTING.—In order to receive funding under this subpart for a fiscal year after the first fiscal year a school receives funding under this subpart, the school shall provide, on an annual basis, to the Secretary a report regarding the status of the implementation of activities funded under this subpart, the outcome data for students at schools assisted under this subpart disaggregated in the same manner as information under section 1711(a) (such as dropout rates), and certification of progress from the eligible entity whose strategies the school is implementing.

''(b) ACCOUNTABILITY.—On the basis of the reports submitted under subsection (a), the Secretary shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared to a control group.

"SEC. 1728. STATE RESPONSIBILITIES.

''(a) UNIFORM DATA COLLECTION.—Within 1 year after the date of enactment of the Educational Excellence for All Children Act of 2000, a State educational agency that receives funds under this part shall report to the Secretary and statewide, all school district and school data regarding school dropout rates in the State disaggregated in the same manner as information under section 1711(a), according to procedures that conform with the National Center for Education Statistics' Common Core of Data.

''(b) ATTENDANCE-NEUTRAL FUNDING POLICIES.—Within 2 years after the date of enactment of the Educational Excellence for All Children Act of 2000, a State educational agency that receives funds under this part shall develop and implement education funding formula policies for public schools that provide appropriate incentives to retain students in school throughout the school year, such as—

''(1) a student count methodology that does not determine annual budgets based on attendance on a single day early in the academic year; and

''(2) specific incentives for retaining enrolled students throughout each year.

''(c) SUSPENSION AND EXPULSION POLICIES.—Within 2 years after the date of enactment of the Educational Excellence for All Children Act of 2000, a State educational agency that receives funds under this part shall develop uniform, long-term suspension and expulsion policies (that in the case of a child with a disability are consistent with the suspension and expulsion policies under the Individuals with Disabilities Education Act) for serious infractions resulting in more than 10 days of exclusion from school per academic year so that similar violations result in similar penalties.

''(d) REGULATIONS.—The Secretary shall promulgate regulations implementing subsections (a) through (c).

"Subpart 3—Definitions; Authorization of Appropriations

"SEC. 1731. DEFINITIONS.

''In this part:

''(1) LOW-INCOME.—The term 'low-income', used with respect to an individual, means an

individual determined to be low-income in accordance with measures described in section 1113(a)(5).

''(2) SCHOOL DROPOUT.—The term 'school dropout' has the meaning given the term in section 4(17) of the School-to-Work Opportunities Act of 1994.

''SEC. 1732. AUTHORIZATION OF APPROPRIATIONS.

''(a) SUBPART 1.—There are authorized to be appropriated to carry out subpart 1, $5,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) SUBPART 2.—There are authorized to be appropriated to carry out subpart 2, $145,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which—

''(1) $125,000,000 shall be available to carry out section 1721; and

''(2) $20,000,000 shall be available to carry out section 1722.''.

TITLE II—PROFESSIONAL DEVELOPMENT FOR TEACHERS

SEC. 201. TEACHER QUALITY.

(a) IN GENERAL.—Title II (20 U.S.C. 6601 et seq.) is amended by striking the title heading and all that follows through the end of part A and inserting the following:

''TITLE II—QUALIFIED TEACHER IN EVERY CLASSROOM

''PART A—TEACHER QUALITY

''SEC. 2001. PURPOSES.

''The purposes of this part are the following:

''(1) To improve student achievement in order to help every student meet State content and student performance standards.

''(2) To—

''(A) enable States, local educational agencies, and schools to improve the quality and success of the teaching force by providing all teachers, including beginning and veteran teachers, with the support those teachers need to succeed and stay in teaching, by providing professional development and mentoring programs for teachers, by offering incentives for additional qualified individuals to go into teaching, by reducing out-of-field placement of teachers, and by reducing the number of teachers with emergency credentials; and

''(B) hold the States, agencies, and schools accountable for such improvements.

''(3) To support State and local efforts to recruit qualified teachers to address teacher shortages, particularly in communities with the greatest need.

(4) To ensure that underqualified and inexperienced teachers do not teach higher percentages of low-income students and minority students than other students.

''SEC. 2002. DEFINITIONS.

''In this part:

''(1) BEGINNING TEACHER.—The term 'beginning teacher' means a fully qualified teacher who has taught for 3 years or less.

''(2) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' means—

''(A) mathematics;

''(B) science;

''(C) reading (or language arts) and English;

''(D) social studies (consisting of history, civics, government, geography, and economics);

''(E) foreign languages; and

''(F) fine arts (consisting of music, dance, drama, and the visual arts).

''(3) COVERED RECRUITMENT.—The term 'covered recruitment' means activities described in section 2017(c).

''(4) FULLY QUALIFIED.—

''(A) IN GENERAL.—The term 'fully qualified', used with respect to a teacher, means a teacher who—

''(i)(I) is certified or licensed and has demonstrated the academic subject knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the academic subject in which the teacher teaches, according to the standards described in subparagraph (B) or (C), as appropriate; and

''(II) shall not be a teacher for whom State certification or licensing requirements have been waived or who is teaching under an emergency or other provisional credential; or

''(ii) meets the standards of the National Board for Professional Teaching Standards.

''(B) ELEMENTARY SCHOOL INSTRUCTIONAL STAFF.—For purposes of complying with subparagraph (A)(i), each elementary school teacher (other than a middle school teacher) in the State shall, at a minimum—

''(i) have State certification or a State license to teach (which may include certification or licensing obtained through alternative routes); and

''(ii) hold a bachelor's degree and demonstrate the academic subject knowledge, teaching knowledge, and teaching skills required to teach effectively in reading, writing, mathematics, social studies, science, and other academic subjects.

''(C) MIDDLE SCHOOL AND SECONDARY SCHOOL INSTRUCTIONAL STAFF.—For purposes of complying with subparagraph (A)(i), each middle school or secondary school teacher in the State shall, at a minimum—

''(i) have State certification or a State license to teach (which may include certification or licensing obtained through alternative routes); and

''(ii) hold a bachelor's degree or higher degree and demonstrate a high level of competence in all academic subjects in which the teacher teaches through—

''(I) achievement of a high level of performance on rigorous academic subject tests;

''(II) completion of an academic major (or courses totaling an equivalent number of credit hours) in each of the academic subjects in which the teacher teaches; or

''(III) for a teacher hired prior to the date of enactment of the Educational Opportunities Act, completion of appropriate coursework for mastery of such academic subjects.

''(5) HIGH-POVERTY.—The term 'high-poverty', used with respect to a school, means a school that serves a high number or percentage of children from families with incomes below the poverty line, as determined by the State in which the school is located.

''(6) HIGH-POVERTY LOCAL EDUCATIONAL AGENCY.—The term 'high-poverty local educational agency' means a local educational agency for which the number of children served by the agency who are age 5 through 17, and from families with incomes below the poverty line—

''(A) is not less than 20 percent of the number of all children served by the agency; or

''(B) is more than 10,000.

''(7) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education'—

''(A) has the meaning given the term in section 101(a) of the Higher Education Act of 1965; and

''(B) if such an institution prepares teachers and receives Federal funds, means such an institution that—

''(i) is in full compliance with the requirements of section 207 of the Higher Education Act of 1965; and

''(ii) does not have a teacher preparation program identified by a State as low-performing.

''(8) LOW-PERFORMING SCHOOL.—The term 'low-performing school' means—

''(A) a school identified by a local educational agency for school improvement under section 1116(c); or

''(B) a school in which the great majority of students, as determined by the State in which the school is located, fail to meet State student performance standards based on assessments the local educational agency is using under part A of title I.

''(9) MENTORING.—The term 'mentoring' means activities that—

''(A) consist of structured guidance and regular and ongoing support for beginning teachers, that—

''(i) is designed to help the teachers continue to improve their practice of teaching and to develop their instructional skills; and

''(ii)(I) as part of a multiyear, developmental induction process;

''(II) involves the assistance of a mentor teacher and other appropriate individuals from a school, local educational agency, or institution of higher education; and

''(III) may include coaching, classroom observation, team teaching, and reduced teaching loads; and

''(B) may include the establishment of a partnership by a local educational agency with an institution of higher education, another local educational agency, or another organization, for the purpose of carrying out the activities described in subparagraph (A).

''(10) MENTOR TEACHER.—The term 'mentor teacher' means a fully qualified teacher who—

''(A) is a highly competent classroom teacher who is formally selected and trained to work effectively with beginning teachers (including corps members described in section 2018);

''(B) is full-time, and is assigned and qualified to teach in the content area or grade level in which a beginning teacher (including a corps member described in section 2018), to whom the teacher provides mentoring, intends to teach;

''(C) has been consistently effective in helping diverse groups of students make substantial achievement gains; and

''(D) has been selected to provide mentoring through a peer review process that uses, as the primary selection criterion for the process, the teacher's ability to help students achieve academic gains, measured through objective data.

''(11) POVERTY LINE.—The term 'poverty line' means the income official 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.

''(12) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means activities that are—

''(A)(i) an integral part of broad schoolwide and districtwide educational improvement plans and enhance the ability of teachers and other staff to help all students, including females, students with disabilities, students with limited English proficiency, and students who have economic and educational disadvantages, meet high State and local content and student performance standards;

''(ii) sustained, intensive, school-embedded, tied to State standards, and of high quality and sufficient duration to have a positive and lasting impact on classroom instruction (not one-time workshops); and

''(iii) based on the best available research on teaching and learning; and

''(B) described in subparagraphs (A) through (F) of section 2017(a)(1).

''(13) RECRUITMENT ACTIVITIES.—The term 'recruitment activities' means activities carried out through a teacher corps program as described in section 2018 to attract highly qualified individuals, including individuals taking nontraditional routes to teaching, to enter teaching and support the individuals

during necessary certification and licensure activities.

''(14) RECRUITMENT PARTNERSHIP.—The term 'recruitment partnership' means a partnership described in section 2015(b)(2).

"SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part—

''(1) $2,000,000,000 for fiscal year 2001, of which—

''(A) $1,730,000,000 shall be made available to carry out subpart 1;

''(B) $270,000,000 shall be made available to carry out subpart 2, of which—

''(i) $120,000,000,000 shall be made available to carry out chapter 1 of subpart 2;

''(ii) $25,000,000 shall be made available to carry out chapter 2 of subpart 2;

''(iii) $75,000,000 shall be made available to carry out chapter 3 of subpart 2; and

''(iv) $50,000,000 shall be made available to carry out chapter 4 of subpart 2; and

''(C) $1,750,000,000 shall be available to carry out subpart 3; and

''(2) such sums as may be necessary for each of fiscal years 2002 through 2005.

"Subpart 1—Grants to States and Local Educational Agencies

"Chapter 1—Grants and Activities

"SEC. 2011. ALLOTMENTS TO STATES.

''(a) IN GENERAL.—The Secretary is authorized to make grants to eligible State educational agencies for the improvement of teaching and learning through sustained and intensive high-quality professional development, mentoring, and recruitment activities (and covered recruitment, at the election of a local educational agency) at the State and local levels. Each grant shall consist of the allotment determined for the State under subsection (b).

''(b) DETERMINATION OF AMOUNT OF ALLOTMENT.—

''(1) RESERVATION OF FUNDS.—

''(A) IN GENERAL.—From the total amount made available to carry out this subpart under section 2003(1) for any fiscal year, the Secretary shall reserve—

''(i) ½ of 1 percent for allotments for the outlying areas to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, for professional development and mentoring and recruitment activities carried out in accordance with the purposes of this part; and

''(ii) ½ of 1 percent for the Secretary of the Interior for programs carried out in accordance with the purposes of this part to provide professional development and mentoring and recruitment activities for teachers and other staff in schools operated or funded by the Bureau of Indian Affairs.

''(B) LIMITATION.—Notwithstanding subparagraph (A), the Secretary shall not reserve, for either the outlying areas under subparagraph (A)(i) or the schools operated or funded by the Bureau of Indian Affairs under subparagraph (A)(ii), more than the amount reserved for those areas or schools for fiscal year 2000 under the authority described in paragraph (2)(A)(i).

''(2) STATE ALLOTMENTS.—

''(A) HOLD HARMLESS.—

''(i) IN GENERAL.—Subject to subparagraph (B), from the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the amount that the State received for fiscal year 2000 under section 2202(b) of this Act (as in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000).

''(ii) RATABLE REDUCTION.—If the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for any fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

''(B) ALLOTMENT OF ADDITIONAL FUNDS.—

''(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the total amount made available to carry out this subpart and not reserved under paragraph (1) exceeds the total amount made available to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico for fiscal year 2000 under the authority described in subparagraph (A)(i), the Secretary shall allot to each of those States the sum of—

''(I) an amount that bears the same relationship to 40 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

''(II) an amount that bears the same relationship to 60 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

''(ii) EXCEPTION.—No State receiving an allotment under clause (i) may receive less than ½ of 1 percent of the total excess amount allotted under clause (i) for a fiscal year.

''(3) REALLOTMENT.—If any State described in paragraph (2) does not apply for an allotment under paragraph (2) for any fiscal year, the Secretary shall reallot such amount to the remaining such States in accordance with paragraph (2).

"SEC. 2012. STATE APPLICATIONS.

''(a) APPLICATIONS REQUIRED.—

''(1) IN GENERAL.—Each State desiring to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(2) DEVELOPMENT.—The State educational agency shall develop the State application—

''(A) in consultation with the State agency for higher education, community-based and other nonprofit organizations, and institutions of higher education; and

''(B) with the extensive participation of teachers, teacher educators, school administrators, and content specialists.

''(b) CONTENTS.—Each such application shall include—

''(1) a description of the State's shortages of fully qualified teachers relating to high-poverty school districts and high-need academic subjects (as such districts or subjects are determined by the State);

''(2) an assessment of the need for professional development for veteran teachers in the State and the need for strong mentoring programs for beginning teachers that is—

''(A) developed with the involvement of teachers; and

''(B) based on student achievement data in the core academic subjects and other indicators of the need for professional development and mentoring programs;

''(3) a description of how the State educational agency will use funds made available under this part to improve the quality of the State's teaching force, eliminate the use of out-of-field placement of teachers, and eliminate the use of teachers hired with emergency or other provisional credentials by setting numerical, annual improvement goals, and meet the requirements of this section;

''(4) a description of how the State educational agency will align activities assisted under this subpart with State content and student performance standards, and State assessments by setting numerical, annual improvement goals;

''(5) a description of how the State educational agency will coordinate activities funded under this subpart with professional development and mentoring and recruitment activities that are supported with funds from other relevant Federal and non-Federal programs;

''(6) a plan, developed with the extensive participation of teachers, for addressing long-term teacher recruitment, retention, and professional development and mentoring needs, which may include—

''(A) providing technical assistance to help school districts reform hiring and employment practices to improve the recruitment and retention of fully qualified teachers, especially with respect to high-poverty schools; or

''(B) establishing State or regional partnerships to address teacher shortages;

''(7) a description of how the State educational agency will assist local educational agencies in implementing effective and sustained professional development and mentoring activities and high-quality recruitment activities under this part;

''(8) an assurance that the State will consistently monitor the progress of each local educational agency and school in the State in achieving the goals specified in the information submitted under paragraphs (1) through (7);

''(9) a description of how the State educational agency will work with recipients of grants awarded for recruitment activities under section 2015(b) to ensure that recruits who successfully complete a teacher corps program will be certified or licensed; and

''(10) the assurances and description referred to in section 2021.

''(c) APPROVAL.—The Secretary shall, using a peer-review process, approve a State application if the application meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.

"SEC. 2013. STATE USE OF FUNDS.

''(a) IN GENERAL.—Of the funds allotted to a State under section 2011 for a fiscal year—

''(1) not more than 6 percent shall be used by the State educational agency to carry out State activities described in section 2014, or for the administration of this subpart (other than the administration of section 2019 but including the administration of State activities under chapter 2), except that not more than 3 percent of the allotted funds may be used for the administration of this subpart;

''(2) 60 percent shall be used by the State educational agency to provide grants to local educational agencies under section 2015(a) for professional development and mentoring (except as provided in section 2017(c));

''(3) 30 percent shall be used by the State educational agency—

''(A) except as provided in subparagraph (B), to provide grants to recruitment partnerships under section 2015(b) for recruitment activities; or

''(B) if the State educational agency determines that all elementary school and secondary school teachers in the State that are teaching core academic subjects are fully qualified, to provide the grants described in paragraph (2); and

''(4) 4 percent (or 4 percent of the amount the State would have been allotted if the appropriation for this subpart were $1,730,000,000, whichever is greater) shall be used by the State agency for higher education to provide grants to partnerships under section 2019.

''(b) PRIORITY FOR PROFESSIONAL DEVELOPMENT AND MENTORING IN MATHEMATICS AND SCIENCE.—

''(1) PRIORITY.—

''(A) APPROPRIATIONS OF NOT MORE THAN $300,000,000.—Except as provided in section 2017(c), for any fiscal year for which the appropriation for this subpart is $300,000,000 or less, each State educational agency that receives funds under this subpart, working jointly with the State agency for higher education, shall ensure that all funds received under this subpart are used for—

''(i) professional development and mentoring in mathematics and science that is aligned with State content and student performance standards; and

''(ii) recruitment activities to attract fully qualified math and science teachers to high-poverty schools.

''(B) APPROPRIATION OF MORE THAN $300,000,000.—Except as provided in section 2017(c), for any fiscal year for which the appropriation for this subpart is greater than $300,000,000, the State educational agency and the State agency for higher education shall jointly ensure that the total amount of funds that the agencies receive under this subpart and that the agencies use for activities described in subparagraph (A) is at least as great as the allotment the State would have received if that appropriation had been $300,000,000.

''(2) INTERDISCIPLINARY ACTIVITIES.—A State may use funds received under this subpart for activities that focus on more than 1 core academic subject, and apply the funds toward meeting the requirements of paragraph (1), if the activities include a strong focus on improving instruction in mathematics or science.

''(3) ADDITIONAL FUNDS.—Except as provided in section 2017(c), each State educational agency that receives funds under this subpart and the State agency for higher education shall jointly ensure that any portion of the funds that exceeds the amount required by paragraph (1) to be spent on activities described in paragraph (1)(A) is used to provide—

''(A) professional development and mentoring in 1 or more of the core academic subjects that is aligned with State content and student performance standards; and

''(B) recruitment activities involving teachers of 1 or more of the core academic subjects.

''SEC. 2014. STATE LEVEL ACTIVITIES.

''(a) ACTIVITIES.—Each State educational agency that receives a grant described in section 2011 shall use the funds made available under section 2013(a)(1) to carry out statewide strategies and activities to improve teacher quality, including—

''(1) establishing, expanding, or improving alternative routes to State certification or licensing of teachers, for highly qualified individuals with a baccalaureate degree, mid-career professionals from other occupations, or paraprofessionals, that are at least as rigorous as the State's standards for initial certification or licensing of teachers;

''(2) developing or improving evaluation systems, with performance measures drawn from assessment tat objectively measure student achievement against State performance standards, to evaluate the effectiveness of professional development and mentoring and recruitment activities in improving teacher quality, skills, and content knowledge, and the impact of the professional development and mentoring and recruitment activities on increasing student academic achievement and student performance;

''(3) funding projects to promote reciprocity of teacher certification or licensure between or among States;

''(4) providing assistance to local educational agencies to reduce out-of-field placements and the use of emergency credentials;

''(5)(A) supporting activities to encourage and support teachers seeking national board certification from the National Board for Professional Teaching Standards or other recognized entities; and

''(B) in particular, supporting certification by the National Board for Professional Teaching Standards of teachers who are teaching or will teach in high-poverty schools;

''(6) providing assistance to local educational agencies in implementing effective programs of recruitment activities, and professional development and mentoring, including supporting efforts to encourage and train teachers to become mentor teachers;

''(7) increasing the rigor and quality of State certification and licensure tests for individuals entering the field of teaching, including subject matter tests for secondary school teachers; and

''(8) implementing teacher recognition programs.

''(b) COORDINATION.—A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities carried out under this section and the activities carried out under that section 202.

''SEC. 2015. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) GRANTS FOR PROFESSIONAL DEVELOPMENT AND MENTORING ACTIVITIES.—

''(1) IN GENERAL.—The State educational agency of a State that receives a grant described in section 2011 shall use the funds made available under section 2013(a)(2) (and any funds made available under section 2013(a)(3)(B)) to make grants to eligible local educational agencies, from allocations made under paragraph (2), to carry out the activities described in section 2017(a) (except as provided in section 2017(c)).

''(2) ALLOCATIONS.—The State educational agency shall allocate to each eligible local educational agency the sum of—

''(A) an amount that bears the same relationship to 20 percent of the funds described in paragraph (1) as the number of individuals enrolled in public and private nonprofit elementary schools and secondary schools in the geographic area served by the agency bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State; and

''(B) an amount that bears the same relationship to 80 percent of the funds as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

''(3) ELIGIBILITY.—To be eligible to receive a grant from a State educational agency under this subsection, a local educational agency shall serve schools that include—

''(A) high-poverty schools;

''(B) schools that need support for improving teacher quality based on low achievement of students served;

''(C) schools that have low teacher retention rates;

''(D) schools that need to improve or expand the knowledge and skills of new and veteran teachers in high-priority content areas;

''(E) schools that have high out-of-field placement rates; or

''(F) high-poverty schools that have been identified for improvement in accordance with section 1116.

''(4) EQUITABLE GEOGRAPHIC DISTRIBUTION.—A State educational agency shall ensure an equitable distribution of grants under this subsection among eligible local educational agencies serving urban and rural areas.

''(b) GRANTS FOR RECRUITMENT ACTIVITIES.—

''(1) IN GENERAL.—The State educational agency of a State that receives a grant under section 2011 shall use the funds made available under section 2013(a)(3)(A) to make grants to eligible recruitment partnerships, on a competitive basis, to carry out the recruitment activities and meet requirements described in section 2017(b).

''(2) ELIGIBILITY.—

''(A) IN GENERAL.—To be eligible to receive a grant from a State educational agency under this subsection, a recruitment partnership—

''(i) shall include an eligible local educational agency, or a consortium of eligible local educational agencies;

''(ii) shall include an institution of higher education, a tribal college, or a community college; and

''(iii) may include other members, such as a nonprofit organization or professional education organization.

''(B) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In subparagraph (A), the term 'eligible local educational agency' means a local educational agency that receives assistance under part A of title I, and meets any additional eligibility criteria that the appropriate State educational agency may establish.

''(3) EQUITABLE GEOGRAPHIC DISTRIBUTION.—A State educational agency shall ensure an equitable distribution of grants under this subsection among eligible recruitment partnerships serving urban and rural areas.

''SEC. 2016. LOCAL APPLICATIONS.

''(a) IN GENERAL.—A local educational agency or a recruitment partnership seeking to receive a grant from a State under section 2015 to carry out activities described in section 2017 shall submit an application to the State at such time, in such manner, and containing such information as the State may reasonably require.

''(b) CONTENTS RELATING TO PROFESSIONAL DEVELOPMENT AND MENTORING ACTIVITIES.—If the local educational agency seeks a grant under section 2015(a) to carry out activities described in section 2017(a), the local application described in subsection (a) shall include, at a minimum, the following:

''(1) A description of how the local educational agency intends to use the funds provided through the grant to carry out activities that meet requirements described in section 2017(a).

''(2) An assurance that the local educational agency will target the funds to high-poverty, low-performing schools served by the local educational agency that—

''(A) have the lowest proportions of qualified teachers;

''(B) are identified for school improvement and corrective action under section 1116; or

''(C) are identified for school improvement in accordance with other measures of school quality as determined and documented by the local educational agency.

''(3) A description of how the local educational agency will coordinate professional development and mentoring activities described in section 2017(a) with professional development and mentoring activities provided through other Federal, State, and local programs, including programs authorized under—

''(A) titles I, IV, and V, and part A of title VII; and

''(B) where applicable, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and title II of the Higher Education Act of 1965.

''(4) A description of how the local educational agency will integrate funds received to carry out activities described in section 2017(a) with funds received under title V that are used for professional development and mentoring in order to carry out professional development and mentoring activities that—

''(A) train teachers, paraprofessionals, counselors, pupil services personnel, administrators, and other school staff, including school library media specialists, in how to use technology to improve learning and teaching; and

''(B) take into special consideration the different learning needs for, and exposures to, technology for all students, including females, students with disabilities, students with limited English proficiency, and students who have economic and educational disadvantages.

''(5) A description of how the local application was developed with extensive participation of teachers, paraprofessionals, principals, and parents.

''(6) A description of how the professional development and mentoring activities described in section 2017(a) will address the ongoing professional development and mentoring of teachers, paraprofessionals, counselors, pupil services personnel, administrators, and other school staff, including school library media specialists.

''(7) A description of how the professional development and mentoring activities described in section 2017(a) will have a substantial, measurable, and positive impact on student achievement and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority student from other students.

''(8) A description of how the local educational agency will address the needs of teachers of students with disabilities, students with limited English proficiency, and other students with special needs.

''(9) A description of how the local educational agency will provide training to teachers to enable the teachers to work with parents, involve parents in their child's education, and encourage parents to become collaborators with schools in promoting their child's education.

''(10) The assurances and description referred to in section 2023, with respect to professional development and mentoring activities.

''(c) DEVELOPMENT AND CONTENTS RELATING TO RECRUITMENT ACTIVITIES.—If an eligible local educational agency (as defined in section 2015(b)) seeks a grant under section 2015(b) to carry out activities described in section 2017(b)—

''(1) the eligible local educational agency shall enter into a recruitment partnership, which shall jointly prepare and submit the local application described in subsection (a); and

''(2) at a minimum, the application shall include—

''(A) a description of how the recruitment partnership will meet the teacher corps program requirements described in section 2018;

''(B) a description of the individual and collective responsibilities of members of the recruitment partnership in meeting the requirements and goals of a teacher corps program described in section 2018;

''(C) information demonstrating that the State agency responsible for teacher licensure or certification in the State in which a recruitment partnership is established will—

''(i) ensure that a corps member who successfully completes a teacher corps program will have the academic requirements necessary for initial certification or licensure as a teacher in the State; and

''(ii) work with the recruitment partnership to ensure the partnership uses high-quality methods and establishes high-quality requirements concerning alternative routes to certification or licensing, in order to meet State requirements for certification or licensure; and

''(D) the assurances and description referred to in section 2023, with respect to recruitment activities.

''(d) CONTENTS RELATING TO COVERED RECRUITMENT.—If the local educational agency seeks a grant under section 2015(a) to carry out activities described in section 2017(c), the local application described in subsection (a) shall include, at a minimum, a description of the activities and the manner in which the activities will contribute to accomplishing the objectives of section 2023.

''(e) APPROVAL.—A State educational agency shall approve a local educational agency's or recruitment partnership's application under this section only if the State educational agency determines that the application is of high quality and holds reasonable promise of achieving the purposes of this part.

''SEC. 2017. LOCAL ACTIVITIES.

''(a) PROFESSIONAL DEVELOPMENT AND MENTORING ACTIVITIES.—Except as provided in subsection (c), each local educational agency receiving a grant under section 2015(a) shall use the funds made available through the grant to carry out activities (and only activities) that—

''(1) are professional development activities (as defined in section 2002(12)(A)) that—

''(A) improve teacher knowledge of—

''(i) 1 or more of the core academic subjects;

''(ii) effective instructional strategies, methods, and skills for improving student achievement in core academic subjects, including strategies for identifying and eliminating gender and racial bias;

''(iii) the use of data and assessments to inform teachers about and improve classroom practice; and

''(iv) innovative instructional methodologies designed to meet the diverse learning needs of individual students, including methodologies that integrate academic and technical skills and applied learning (such as service learning), methodologies for interactive and interdisciplinary team teaching, and other alternative teaching strategies, such as strategies for experiential learning, career-related education, and environmental education, that integrate real world applications into the core academic subjects;

''(B) replicate effective instructional practices that involve collaborative groups of teachers and administrators from the same school or district, using strategies such as—

''(i) provision of dedicated time for collaborative lesson planning and curriculum development meetings;

''(ii) provision of collaborative professional development experiences for veteran teachers based on the standards in the core academic subjects of the National Board for Professional Teaching Standards;

''(iii) consultation with exemplary teachers;

''(iv) provision of short-term and long-term visits to classrooms and schools;

''(v) participation of teams of teachers in summer institutes and summer immersion activities that are focused on preparing teachers to enable all students to meet high standards in 1 or more of the core academic subjects; and

''(vi) establishment and maintenance of local professional networks that provide a forum for interaction among teachers and administrators and that allow for the exchange of information on advances in content knowledge and teaching skills;

''(C) include strategies for fostering meaningful parental involvement and relations with parents to encourage parents to become collaborators in their children's education, for improving classroom management and discipline, and for integrating technology into a curriculum;

''(D) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student achievement, with the findings of the evaluations used to improve the quality of activities described in this paragraph;

''(E) include, to the extent practicable, the establishment of a partnership with an institution of higher education, another local educational agency, or another organization, for the purpose of carrying out activities described in this paragraph; and

''(F) include ongoing and school-based support for activities described in this paragraph, such as support for peer review, coaching, or study groups, and the provision of release time as needed for the activities;

''(2) are mentoring activities; and

''(3) include local activities carried out under chapter 2.

''(b) RECRUITMENT ACTIVITIES.—Each recruitment partnership receiving a grant under section 2015(b) shall use the funds made available through the grant to carry out recruitment activities (and only recruitment activities) described in section 2018.

''(c) COVERED RECRUITMENT.—A local educational agency receiving a grant under section 2015(a) for a fiscal year may elect to use a portion of the funds made available through the grant, but not more than the agency's share of 10 percent of the funds allotted to the State involved under section 2011 for the fiscal year, to carry out recruitment (including recruitment through the use of signing bonuses and other financial incentives) and hiring of fully qualified teachers.

''SEC. 2018. RECRUITMENT ACTIVITIES THROUGH A TEACHER CORPS PROGRAM.

''(a) TEACHER CORPS PROGRAM REQUIREMENTS.—

''(1) RECRUITMENT.—A recruitment partnership that receives a grant under section 2015(b) shall broadly recruit and screen for a teacher corps a highly qualified pool of candidates who demonstrate the potential to become effective teachers. Each candidate shall meet—

''(A) standards to ensure that—

''(i) each corps member possesses appropriate, high-level credentials and presents the likelihood of becoming an effective teacher; and

''(ii) each group of corps members includes people who have expertise in academic subjects and otherwise meet the specific needs of the district to be served; and

''(B) any additional standard that the recruitment partnership establishes to enhance the quality and diversity of candidates and to meet the academic and grade level needs of the partnership.

''(2) REQUIRED CURRICULUM AND PLACEMENT.—Members of the recruitment partnership shall work together to plan and develop a program that includes—

''(A) a rigorous curriculum that includes a preservice training program (incorporating innovative approaches to preservice training, such as distance learning), for a period not to exceed 1 year, that provides corps members with the skills and knowledge necessary to become effective teachers, by—

''(i) requiring completed course work in basic areas of teaching, such as principles of

learning and child development, effective teaching strategies, assessments, and classroom management, and in the pedagogy related to the academic subjects in which a corps member intends to teach;

''(ii) providing extensive preparation in the pedagogy of reading to corps members who intend to teach in the early elementary grades, including preparation components that focus on—

''(I) understanding the psychology of reading, and human growth and development;

''(II) understanding the structure of the English language; and

''(III) learning and applying the best teaching methods to all aspects of reading instruction;

''(iii) providing training in the use of technology as a tool to enhance a corps member's effectiveness as a teacher and improve the achievement of the corps member's students; and

''(iv) focusing on the teaching skills and knowledge that corps members need to enable all students to meet the State's highest challenging content and student performance standards;

''(B) placement of a corps member with the local educational agency participating in the recruitment partnership, in a teaching internship that—

''(i) includes intensive mentoring;

''(ii) provides a reduced teaching load; and

''(iii) provides regular opportunities for the corps member to co-teach with a mentor teacher, observe other teachers, and be observed and coached by other teachers;

''(C) individualized inservice training over the course of the corps member's first 2 years of full-time teaching that provides—

''(i) high-quality professional development, coordinated jointly by members of the recruitment partnership, and the course work necessary to provide additional or supplementary knowledge to meet the specific needs of the corps member; and

''(ii) ongoing mentoring by a teacher who meets the criteria for a mentor teacher described in paragraph (4)(B), including the requirements of section 2002(10); and

''(D) collaboration between the recruitment partnership, and local community student and parent groups, to assist corps members in enhancing their understanding of the community in which the members are placed.

''(3) EVALUATION.—A recruitment partnership shall evaluate a corps member's progress in course study and classroom practice at regular intervals. Each recruitment partnership shall have a formal process to identify corps members who seem unlikely to become effective teachers and terminate their participation in the program.

''(4) MENTOR TEACHERS.—

''(A) IN GENERAL.—A recruitment partnership shall develop a plan for the program, which shall include strategies for identifying, recruiting, training, and providing ongoing support to individuals who will serve as mentor teachers to corps members.

''(B) MENTOR TEACHER REQUIREMENTS.—The plan described in subparagraph (A) shall specify the criteria that the recruitment partnership will use to identify and select mentor teachers and, at a minimum, shall—

''(i) require a mentor teacher to meet the requirements of section 2002(10); and

''(ii) require that consideration be given to teachers with national board certification.

''(C) COMPENSATION.—The plan shall specify the compensation—

''(i) for mentor teachers, including monetary compensation, release time, or a reduced work load to ensure that mentor teachers can provide ongoing support for corps members; and

''(ii) for corps members, including salary levels and the stipends, if any, that will be provided during a corps member's preservice training.

''(5) ASSURANCES.—The plan shall include assurances that—

''(A) a corps member will be assigned to teach only academic subjects and grade levels for which the member is fully qualified;

''(B) corps members, to the extent practicable, will be placed in schools with teams of corps members; and

''(C) every mentor teacher will be provided sufficient time to meet the needs of the corps members assigned to the mentor teacher.

''(b) CORPS MEMBER QUALIFICATIONS.—

''(1) CANDIDATES INTENDING TO TEACH IN ELEMENTARY SCHOOLS.—At a minimum, to be accepted by a teacher corps program, a candidate who intends to teach at the elementary school level shall—

''(A) have a bachelor's degree;

''(B) possess an outstanding commitment to working with children and youth;

''(C) possess a strong professional or postsecondary record of achievement; and

''(D) pass all basic skills and subject matter tests required by the State for teacher certification or licensure.

''(2) CANDIDATES INTENDING TO TEACH IN SECONDARY SCHOOLS.—At a minimum, to be accepted by a teacher corps program, a candidate who intends to teach at the secondary school level shall—

''(A) meet the requirements described in paragraph (1); and

''(B)(i) possess at least an academic major or postsecondary degree in each academic subject in which the candidate intends to teach; or

''(ii) if the candidate did not major or earn a postsecondary degree in an academic subject in which the candidate intends to teach, have completed a rigorous course of instruction in that subject that is equivalent to having majored in the subject.

''(3) SPECIAL RULE.—Notwithstanding paragraph (2)(B), the recruitment partnership may consider the candidate to be an eligible corps member and accept the candidate for a teacher corps program if the candidate has worked successfully and directly in a field and in a position that provided the candidate with direct and substantive knowledge in the academic subject in which the candidate intends to teach.

''(c) THREE-YEAR COMMITMENT TO TEACHING IN ELIGIBLE DISTRICTS.—

''(1) IN GENERAL.—In return for acceptance to a teacher corps program, a corps member shall commit to 3 years of full-time teaching in a school or district served by a local educational agency participating in a recruitment partnership receiving funds under this subpart.

''(2) REIMBURSEMENT.—

''(A) IN GENERAL.—If a corps member leaves the school district to which the corps member has been assigned prior to the end of the 3-year period described in paragraph (1), the corps member shall be required to reimburse the Secretary for the amount of the Federal share of the cost of the corps member's participation in the teacher corps program.

''(B) PARTNERSHIP CLAIMS.—A recruitment partnership that provides a teacher corps program to a corps member who leaves the school district, as discussed in subparagraph (A), may submit a claim to the corps member requiring the corps member to reimburse the recruitment partnership for the amount of the partnership's share of the cost described in subparagraph (A).

''(C) REDUCTION.—Reimbursements required under this paragraph may be reduced proportionally based on the amount of time a corps member remained in the teacher corps program beyond the corps member's initial 2 years of service.

''(D) WAIVER.—The Secretary may waive reimbursements required under subparagraph (A) in the case of severe hardship to a corps member who leaves the school district, as described in subparagraph (A).

''(d) FEDERAL SHARE; NON-FEDERAL SHARE.—

''(1) PAYMENT OF FEDERAL SHARE.—The Secretary shall pay to each recruitment partnership carrying out a teacher corps program under this section the Federal share of the cost of the activities described in the partnership's application under section 2016(c).

''(2) NON-FEDERAL SHARE.—A recruitment partnership's share of the cost of the activities described in the partnership's application under section 2016(c)—

''(A) may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services; and

''(B)(i) for the first year for which the partnership receives assistance under this subpart, shall be not less than 10 percent;

''(ii) for the second such year, shall be not less than 20 percent;

''(iii) for the third year such year, shall be not less than 30 percent;

''(iv) for the fourth such year, shall be not less than 40 percent; and

''(v) for the fifth such year, shall be not less than 50 percent.

''SEC. 2019. GRANTS TO PARTNERSHIPS OF INSTITUTIONS OF HIGHER EDUCATION AND LOCAL EDUCATIONAL AGENCIES.

''(a) ADMINISTRATION.—A State agency for higher education may use, from the funds made available to the agency under section 2013(a)(4) for any fiscal year, not more than 3⅓ percent for the expenses of the agency in administering this section, including conducting evaluations of activities on the performance measures described in section 2014(a)(2).

''(b) GRANTS TO PARTNERSHIPS.—

''(1) IN GENERAL.—The State agency for higher education shall use the remainder of the funds, in cooperation with the State educational agency, to make grants to (including entering into contracts or cooperative agreements with) partnerships of—

''(A) institutions of higher education that are in full compliance with all reporting requirements of title II of the Higher Education Act of 1965 or nonprofit organizations of demonstrated effectiveness in providing professional development and mentoring in the core academic subjects; and

''(B) eligible local educational agencies (as defined in section 2015(b)(2)),

to carry out activities (and only activities) described in subsection (e).

''(2) SIZE; DURATION.—Each grant made under this section shall be—

''(A) in a sufficient amount to carry out the objectives of this section effectively; and

''(B) for a period of 3 years, which the State agency for higher education may extend for an additional 2 years if the agency determines that the partnership is making substantial progress toward meeting the specific goals set out in the written agreement required in subsection (c) and on the performance measures described in section 2014(a)(2).

''(3) APPLICATIONS.—To be eligible to receive a grant under this section, a partnership shall submit an application to the State agency for higher education at such time, in such manner, and containing such information as the agency may reasonably require.

''(4) AWARD PROCESS AND BASIS.—The State agency for higher education shall make the

grants on a competitive basis, using a peer review process.

''(5) PRIORITY.—In making the grants, the State agency for higher education shall give priority to partnerships submitting applications for projects that focus on mentoring programs for beginning teachers.

''(6) CONSIDERATIONS.—In making such a grant for a partnership, the State agency for higher education shall consider—

''(A) the need of the local educational agency involved for the professional development and mentoring activities proposed in the application;

''(B) the quality of the program proposed in the application and the likelihood of success of the program in improving classroom instruction and student academic achievement; and

''(C) such other criteria as the agency finds to be appropriate.

''(c) AGREEMENTS.—

''(1) IN GENERAL.—No partnership may receive a grant under this section unless the institution of higher education or nonprofit organization involved enters into a written agreement with at least 1 eligible local educational agency (as defined in section 2015(b)(2)) to provide professional development and mentoring for elementary and secondary school teachers in the schools served by that agency in the core academic subjects.

''(2) GOALS.—Each such agreement shall identify specific measurable annual goals concerning how the professional development and mentoring that the partnership provides will enhance the ability of the teachers to prepare all students to meet challenging State and local content and student performance standards.

''(d) JOINT EFFORTS WITHIN INSTITUTIONS OF HIGHER EDUCATION.—Each professional development and mentoring activity assisted under this section by a partnership containing an institution of higher education shall involve the joint effort of the institution of higher education's school or department of education and the schools or departments of the institution in the specific disciplines in which the professional development and mentoring will be provided.

''(e) USES OF FUNDS.—A partnership that receives funds under this section shall use the funds for activities (and only for activities) that consist of—

''(1) professional development and mentoring in the core academic subjects, aligned with State or local content standards, for teams of teachers from a school or school district and, where appropriate, administrators and paraprofessionals on a career track;

''(2) research-based professional development and mentoring programs to assist beginning teachers, which may include—

''(A) mentoring and coaching by trained mentor teachers that lasts at least 2 years;

''(B) team teaching with veteran teachers who have a consistent record of helping their students make substantial academic gains;

''(C) provision of time for observation of, and consultation with, veteran teachers;

''(D) provision of reduced teaching loads; and

''(E) provision of additional time for preparation;

''(3) the provision of technical assistance to school and agency staff for planning, implementing, and evaluating professional development and mentoring;

''(4) the provision of training for teachers to help the teachers develop the skills necessary to work most effectively with parents; and

''(5) in appropriate cases, the provision of training to address areas of teacher and administrator shortages.

''(f) COORDINATION.—Any partnership that carries out professional development and mentoring activities under this section shall coordinate the activities with activities carried out under title II of the Higher Education Act of 1965, if a local educational agency or institution of higher education in the partnership is participating in programs funded under that title.

''(g) ANNUAL REPORTS.—

''(1) IN GENERAL.—Beginning with fiscal year 2002, each partnership that receives a grant under this section shall prepare and submit to the appropriate State agency for higher education, by a date set by that agency, an annual report on the progress of the partnership on the performance measures described in section 2014(a)(2).

''(2) CONTENTS.—Each such report shall—

''(A) include a copy of each written agreement required by subsection (c) that is entered into by the partnership; and

''(B) describe how the members of the partnership have collaborated to achieve the specific goals set out in the agreement, and the results of that collaboration.

''(3) COPY.—The State agency for higher education shall provide the State educational agency with a copy of each such report.

"Chapter 2—Accountability

"SEC. 2021. STATE APPLICATION ACCOUNTABILITY PROVISIONS.

''(a) ASSURANCES.—Each State application submitted under section 2012 shall contain assurances that—

''(1) beginning on the date of enactment of the Educational Excellence for All Children Act of 2000, no school in the State that is served under this subpart will use funds received under this subpart to hire a teacher who is not a fully qualified teacher; and

''(2) not later than 4 years after the date of enactment of the Educational Excellence for All Children Act of 2000, each teacher in the State who provides services to students served under this subpart shall be a fully qualified teacher.

''(b) WITHHOLDING.—If a State fails to meet the requirements described in subsection (a)(2) for a fiscal year in which the requirements apply—

''(1) the Secretary shall withhold, for the following fiscal year, a portion of the funds that would otherwise be available to the State under section 2013(a)(1) for the administration of this subpart; and

''(2) the State shall be subject to such other penalties as are provided by law for a violation of this Act.

''(c) ASSISTANCE BY STATE EDUCATIONAL AGENCY.—Each State application submitted under section 2012 shall describe how the State educational agency will help each local educational agency and school in the State develop the capacity to comply with the requirements of this section.

"SEC. 2022. STATE REPORTS.

''(a) REPORT TO SECRETARY.—

''(1) IN GENERAL.—Each State that receives funds under this subpart shall annually prepare and submit to the Secretary a report containing—

''(A) information on the activities of the State under this subpart, including statewide information, and information on the activities of each grant recipient in the State;

''(B) information on the effectiveness of the activities, and the progress of recipients of grants under this subpart, on performance measures, including measures described in section 2014(a)(2) and goals described in paragraphs (3) and (4) of section 2012(b); and

''(C) such other information as the Secretary may reasonably require.

''(2) DEADLINES.—The State shall submit the reports described in paragraph (1) by such deadlines as the Secretary may establish.

''(b) PUBLIC ACCOUNTABILITY.—

''(1) IN GENERAL.—Each State that receives funds under this subpart—

''(A) in the event the State provides public State report cards on education, shall include in such report cards—

''(i) the percentage of middle school and other secondary school classes in core academic subjects that are taught by out-of-field teachers;

''(ii) the percentage of middle school, other elementary school, and other secondary school classes taught by individuals holding only emergency credentials or provisional credentials, or for whom any State certification or licensing standards for teachers have been waived;

''(iii) the average statewide class size; or

''(B) in the event the State provides no such report card, shall disseminate to the public the information described in clauses (i) through (iii) of subparagraph (A) through other means.

''(2) PUBLIC AVAILABILITY.—Such information shall be made widely available to the public, including parents and students, throughout the State.

''(c) GENERAL ACCOUNTING OFFICE.—Not later than September 30, 2004, the Comptroller General of the United States shall—

''(1) conduct a study of the progress of the States in increasing the percentage of teachers who are fully qualified teachers for fiscal years 2001 through 2003; and

''(2) prepare and submit to the Committee on Education and Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing the results of the study.

"SEC. 2023. LOCAL APPLICATION ACCOUNTABILITY PROVISIONS.

''Each local application submitted under section 2016 shall contain assurances that—

''(1) the agency will not hire a teacher with funds made available to the agency under this subpart, unless the teacher is a fully qualified teacher;

''(2) the local educational agency and schools served by the agency will work to ensure, through voluntary agreements and incentive programs, that elementary school and secondary school teachers in high-poverty schools served by the local educational agency will be at least as well qualified, in terms of experience and credentials, as the instructional staff in schools served by the same local educational agency that are not high-poverty schools;

''(3) any teacher who receives certification from the National Board for Professional Teaching Standards will be considered fully qualified to teach, in the academic subjects in which the teacher is certified, in high-poverty schools in any school district or community served by the local educational agency; and

''(4) the agency will—

''(A) make available, on request and in an understandable and uniform format, to any parent of a student attending any school served by the local educational agency, information regarding the professional qualifications of the student's classroom teachers with regard to—

''(i) whether the teacher has met State certification or licensing criteria for the academic subjects and grade level in which the teacher teaches the student;

''(ii) whether the teacher is teaching with emergency or other provisional credentials, or whether any State certification or licensing standard has been waived for the teacher; and

''(iii) the academic qualifications of the teacher in the academic subjects and grade levels in which the teacher teaches; and

''(B) inform parents that the parents are entitled to receive the information upon request.

''SEC. 2024. LOCAL CONTINUATION OF FUNDING.

''(a) AGENCIES.—If a local educational agency applies for funds under this subpart for a 4th or subsequent fiscal year (including applying for funds as part of a partnership), the agency may receive the funds for that fiscal year only if the State determines that the agency has demonstrated that the agency, in carrying out activities under this subpart during the past fiscal year, has met annual numerical performance objectives for—

''(1) improved student performance for all groups described in section 1111(b)(2);

''(2) increased participation in sustained professional development and mentoring programs;

''(3) reduced the beginning teacher attrition rate for the agency; and

''(4) reduced the number of teachers who are not certified or licensed, and the number who are out-of-field teachers, for the agency.

''(b) SCHOOLS.—If a local educational agency applies for funds under this subpart on behalf of a school for a 4th or subsequent fiscal year (including applying for funds as part of a partnership), the agency may receive the funds for the school for that fiscal year only if the State determines that the school has demonstrated that the school, in carrying out activities under this subpart during the past fiscal year, has met the requirements of paragraphs (1) through (4) of subsection (a).

''(c) RECRUITMENT PARTNERSHIPS.—

''(1) IN GENERAL.—If not more than 90 percent of the graduates of a teacher corps program assisted under this subpart for a fiscal year pass applicable State or local initial teacher licensing or certification examinations, the recruitment partnership providing the teacher corps program shall be ineligible to receive grant funds for the succeeding fiscal year.

''(2) WAIVER.—The State in which the partnership is located may waive the requirement described in paragraph (1) for a recruitment partnership serving a school district that has special circumstances, such as a district with a small number of corps members.

''SEC. 2025. LOCAL REPORTS.

''(a) IN GENERAL.—Each local educational agency that receives funds under this subpart (including funds received through a partnership) shall prepare, make publicly available, and submit to the State educational agency, every year, beginning in fiscal year 2002, a report on the activities of the agency under this subpart, in such form and containing such information as the State educational agency may reasonably require.

''(b) CONTENTS.—The report shall contain, at a minimum—

''(1) information on progress throughout the schools served by the local educational agency on the performance measures described in section 2014(a)(2) and goals described in paragraphs (3) and (4) of section 2012(b);

''(2) information on progress throughout the schools served by the local educational agency toward achieving the objectives of, and carrying out the activities described in, this subpart;

''(3) data on the progress described in paragraphs (1) and (2), disaggregated by school poverty level, as defined by the State; and

''(4) a description of the methodology used to gather the information and data described in paragraphs (1) through (3).

''Subpart 2—National Activities for the Improvement of Teaching and School Leadership

''Chapter 1—National Activities and Clearinghouse

''SEC. 2031. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to make grants to, and to enter into contracts and cooperative agreements with, local educational agencies, educational service agencies, State educational agencies, State agencies for higher education, institutions of higher education, and other public and private nonprofit agencies, organizations, and institutions to carry out subsection (b).

''(b) ACTIVITIES.—In making the grants, and entering into the contracts and cooperative agreements, the Secretary—

''(1) may support activities of national significance that are not supported through other sources and that the Secretary determines will contribute to the improvement of teaching and school leadership in the Nation's schools, such as—

''(A) supporting collaborative efforts by States, or consortia of States, to review and measure the quality, rigor, and alignment of State standards and assessments;

''(B) supporting collaborative efforts by States, or consortia of States, to review and measure the quality and rigor of standards for entry into the field of teaching, including the alignment of such standards with State standards for students in elementary school and secondary school, and the alignment of initial teacher licensing and certification assessments with State standards for entry into the field of teaching;

''(C) supporting the development of models, at the State and local levels, of innovative compensation systems that—

''(i) provide incentives for talented individuals who have a strong knowledge of academic content to enter teaching; and

''(ii) reward veteran teachers who acquire new knowledge and skills that are needed in the schools and districts in which the teachers teach; and

''(D) supporting collaborative efforts by States, or consortia of States, to develop performance-based systems for assessing content knowledge and teaching skills of teachers prior to initial certification or licensure of the teachers;

''(2) may support activities of national significance that the Secretary determines will contribute to the recruitment and retention of highly qualified teachers and principals in schools served by high-poverty local educational agencies, such as—

''(A) the development and implementation of a national teacher recruitment clearinghouse and job bank, which shall be coordinated and, to the extent feasible, integrated with the America's Job Bank administered by the Secretary of Labor, to—

''(i) disseminate information and resources nationwide on entering the teaching profession, to persons interested in becoming teachers;

''(ii) serve as a national resource center regarding effective practices for teacher professional development and mentoring, recruitment, and retention;

''(iii) link prospective teachers to local educational agencies and training resources;

''(iv) provide information and technical assistance to prospective teachers about certification and licensing and other State and local requirements related to teaching; and

''(v) provide data projections concerning teacher and administrator supply and demand and available teaching and administrator opportunities;

''(B) the development and implementation, or expansion, of programs that recruit talented individuals to become principals, including such programs that employ alternative routes to State certification or licensing that are at least as rigorous as the State's standards for initial certification or licensing of teachers, and that prepare both new and experienced principals to serve as instructional leaders, which may include the creation and operation of a national center or regional centers for the preparation and support of principals as leaders of school reform;

''(C) efforts to increase the portability of teacher pensions and reciprocity of teaching credentials across State lines;

''(D) research, evaluation, and dissemination activities related to effective strategies for increasing the portability of teachers' credited years of experience across State and school district lines;

''(E) the development and implementation of national or regional programs to—

''(i) recruit highly talented individuals to become teachers, through alternative routes to certification or licensing, in schools served by high-poverty local educational agencies; and

''(ii) help retain the individuals for more than 3 years as classroom teachers in schools served by the local educational agencies; and

''(F) the establishment of partnerships of high-poverty local educational agencies, teacher organizations, and local businesses, in order to help the agencies attract and retain high-quality teachers and principals through provision of increased pay, combined with reforms to raise teacher performance including use of regular, rigorous peer evaluations and (where appropriate) student evaluations of every teacher;

''(3)(A) may support the National Board for Professional Teaching Standards and, in particular, may award a grant for fiscal year 2001 to the National Board to enable the National Board to complete a system of national board certification; and

''(B) may support activities to encourage and support teachers seeking advanced certification or advanced credentialing through high quality professional teacher enhancement programs designed to improve teaching and learning;

''(4)(A) shall carry out a national evaluation, not sooner than 3 years and not later than 4 years after the date of enactment of the Educational Excellence for All Children Act of 2000, of the effect of activities carried out under this title, including an assessment of changes in instructional practice and objective measures of student achievement; and

''(B) shall submit a report containing the results of the evaluation to Congress; and

''(5) shall annually submit to Congress a report on the information contained in the State reports described in section 2022.

''SEC. 2032. EISENHOWER NATIONAL CLEARINGHOUSE FOR MATHEMATICS AND SCIENCE EDUCATION.

''(a) ESTABLISHMENT OF CLEARINGHOUSE.—The Secretary shall award a grant or contract, on a competitive basis, to an entity to establish and operate an Eisenhower National Clearinghouse for Mathematics and Science Education (referred to in this section as 'the Clearinghouse').

''(b) AUTHORIZED ACTIVITIES.—

''(1) APPLICATION AND AWARD BASIS.—

''(A) IN GENERAL.—An entity desiring to establish and operate the Clearinghouse shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(B) PEER REVIEW.—The Secretary shall establish a peer review panel to make recommendations on the recipient of the award for the Clearinghouse.

''(C) BASIS.—The Secretary shall make the award for the Clearinghouse on the basis of merit.

''(2) DURATION.—The Secretary shall award the grant or contract for the Clearinghouse for a period of 5 years.

''(3) ACTIVITIES.—The award recipient shall use the award funds to—

''(A) maintain a permanent collection of such mathematics and science education instructional materials and programs for elementary schools and secondary schools as the Secretary finds appropriate, and give priority to maintaining such materials and programs that have been identified as promising or exemplary, through a systematic approach such as the use of expert panels required under the Educational Research, Development, Dissemination, and Improvement Act of 1994;

''(B) disseminate the materials and programs described in subparagraph (A) to the public, State educational agencies, local educational agencies, and schools (particularly high-poverty, low-performing schools), including dissemination through the maintenance of an interactive national electronic information management and retrieval system accessible through the World Wide Web and other advanced communications technologies;

''(C) coordinate activities with entities operating other databases containing mathematics and science curriculum and instructional materials, including Federal, non-Federal, and, where feasible, international databases;

''(D) using not more than 10 percent of the amount awarded under this section for any fiscal year, participate in collaborative meetings of representatives of the Clearinghouse and regional mathematics and science education consortia to—

''(i) discuss issues of common interest and concern;

''(ii) foster effective collaboration and cooperation in acquiring and distributing instructional materials and programs; and

''(iii) coordinate and enhance computer network access to the Clearinghouse and the resources of the regional consortia;

''(E) support the development and dissemination of model professional development and mentoring materials for mathematics and science education;

''(F) contribute materials or information, as appropriate, to other national repositories or networks; and

''(G) gather qualitative and evaluative data on submissions to the Clearinghouse, and disseminate that data widely, including through the use of electronic dissemination networks.

''(4) SUBMISSION TO CLEARINGHOUSE.—Each Federal agency or department that develops mathematics or science education instructional materials or programs, including the National Science Foundation and the Department, shall submit copies of that materials or those programs to the Clearinghouse.

''(5) STEERING COMMITTEE.—The Secretary may appoint a steering committee to recommend policies and activities for the Clearinghouse.

''(6) APPLICATION OF COPYRIGHT LAWS.—

''(A) CONSTRUCTION.—Nothing in this section shall be construed to allow the use or copying, in any medium, of any material collected by the Clearinghouse that is protected under the copyright laws of the United States unless the Clearinghouse obtains the permission of the owner of the copyright.

''(B) COMPLIANCE.—In carrying out this section, the Clearinghouse shall ensure compliance with title 17, United States Code.

''Chapter 2—Transition to Teaching

''SEC. 2041. PURPOSE.

''The purpose of this chapter is to address the need of high-poverty local educational agencies for highly qualified teachers in particular academic subjects, such as mathematics, science, foreign languages, bilingual education, and special education needed by the agencies, by—

''(1) continuing and enhancing the Troops to Teachers model for recruiting and supporting the placement of such teachers; and

''(2) recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help the professionals become such teachers.

''SEC. 2042. DEFINITIONS.

''In this chapter:

''(1) PROGRAM PARTICIPANT.—The term 'program participant' means a career-changing professional who—

''(A) demonstrates interest in, and commitment to, becoming a teacher; and

''(B) has knowledge and experience that is relevant to teaching a high-need academic subject for a high-poverty local educational agency.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Education, except as otherwise determined in accordance with the agreements described in section 2043(b).

''SEC. 2043. PROGRAM AUTHORIZED.

''(a) AUTHORITY.—Subject to subsection (b), using funds made available to carry out this chapter under section 2003(2)(A) for each fiscal year, the Secretary may award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized under this chapter.

''(b) IMPLEMENTATION.—

''(1) CONSULTATION.—Before making awards under subsection (a) for any fiscal year, the Secretary of Education shall—

''(A) consult with the Secretary of Defense and the Secretary of Transportation regarding the appropriate amount of funding needed to carry out this chapter; and

''(B) upon agreement, transfer that amount to the Department of Defense to carry out this chapter.

''(2) AGREEMENT.—The Secretary of Education may enter into a written agreement with the Secretary of Defense and the Secretary of Transportation, or take such other steps as the Secretary of Education determines are appropriate, to ensure effective implementation of this chapter.

''SEC. 2044. APPLICATION.

''Each entity that desires an award under section 2043(a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a description of the target group of career-changing professionals on which the entity will focus in carrying out a program under this chapter, including a description of the characteristics of that target group that shows how the knowledge and experience of the members of the group are relevant to meeting the purpose of this chapter;

''(2) a description of how the entity will identify and recruit program participants;

''(3) a description of the training that program participants will receive and how that training will relate to their certification or licensing as teachers;

''(4) a description of how the entity will ensure that program participants are placed with, and teach for, high-poverty local educational agencies;

''(5) a description of the teacher induction services (which may be provided through induction programs in existence on the date of submission of the application) the program participants will receive throughout at least their first year of teaching;

''(6) a description of how the entity will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program participants under this chapter, including evidence of the commitment of the institutions, agencies, or organizations to the entity's program;

''(7) a description of how the entity will evaluate the progress and effectiveness of the entity's program, including a description of—

''(A) the program's goals and objectives;

''(B) the performance indicators the entity will use to measure the program's progress; and

''(C) the outcome measures that the entity will use to determine the program's effectiveness; and

''(8) an assurance that the entity will provide to the Secretary such information as the Secretary determines to be necessary to determine the overall effectiveness of programs carried out under this chapter.

''SEC. 2045. USES OF FUNDS AND PERIOD OF SERVICE.

''(a) AUTHORIZED ACTIVITIES.—Funds made available under this chapter may be used for—

''(1) recruiting program participants, including informing individuals who are potential participants of opportunities available under the program and putting the individuals in contact with other institutions, agencies, or organizations that would train, place, and support the individuals;

''(2) providing training stipends and other financial incentives for program participants, such as paying for moving expenses, not to exceed $5,000, in the aggregate, per participant;

''(3) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

''(4) providing placement activities, including identifying high-poverty local educational agencies with needs for the particular skills and characteristics of the newly trained program participants and assisting the participants to obtain employment with the local educational agencies; and

''(5) providing post-placement induction or support activities for program participants.

''(b) PERIOD OF SERVICE.—A program participant in a program under carried out under this chapter who completes the participant's training shall serve in a high-poverty local educational agency for at least 3 years.

''(c) REPAYMENT.—The Secretary shall establish such requirements as the Secretary determines to be appropriate to ensure that program participants who receive a training stipend or other financial incentive under subsection (a)(2), but fail to complete their service obligation under subsection (b), repay all or a portion of such stipend or other incentive.

''SEC. 2046. EQUITABLE DISTRIBUTION.

''To the extent practicable, the Secretary shall make awards under this chapter that support programs in different geographic regions of the Nation.

''Chapter 3—Hometown Teachers

''SEC. 2051. PURPOSE.

''The purpose of this chapter is to support the efforts of high-need local educational agencies to develop and implement comprehensive approaches to recruiting and retaining highly qualified teachers, including recruiting such teachers through Hometown Teacher programs that carry out long-term

strategies to expand the capacity of the communities served by the agencies to produce local teachers.

"SEC. 2052. DEFINITION.

''The term 'high-need local educational agency' means a local educational agency that serves an elementary school or secondary school located in an area in which there is—

''(1) a high percentage (as determined by the State in which the agency is located) of individuals from families with incomes below the poverty line;

''(2) a high percentage (as determined by the State in which the agency is located) of secondary school teachers not teaching in the core academic subjects in which the teachers were trained to teach; or

''(3) a high percentage (as determined by the State in which the agency is located) of elementary school and secondary school teachers who are not fully qualified teachers.

"SEC. 2053. PROGRAM AUTHORIZED.

''From funds made available to carry out this chapter under section 2003(2)(B) for each fiscal year, the Secretary may award grants to high-need local educational agencies to carry out Hometown Teacher programs and other activities described in this chapter.

"SEC. 2054. APPLICATIONS.

''Each high-need local educational agency that desires to receive a grant under section 2053 shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a description of the local educational agency's assessment of the agency's needs for teachers, such as the agency's projected shortage of qualified teachers and the percentage of teachers serving the agency who lack certification or licensure or who are teaching out of field;

''(2) a description of a Hometown Teacher program that the local educational agency plans to develop and implement with the funds made available through the grant, including a description of—

''(A) strategies the agency will use to—

''(i) encourage secondary school and middle school students in schools served by the local educational agency to consider pursuing careers in the teaching profession; and

''(ii) provide support at the undergraduate level to those students who intend to become teachers; and

''(B) the agency's plans to streamline the hiring timelines in the hiring policies and practices of the agency for participants in the Hometown Teacher program;

''(3) a description of the long-term strategies that the agency will use, if any, to reduce the agency's teacher attrition rate, including providing mentoring programs and making efforts to raise teacher salaries and create more desirable working conditions for teachers;

''(4) a description of the agency's strategy for ensuring that all secondary school teachers and middle school teachers in the school district are fully certified or licensed in an academic subject and are teaching the majority of their classes in the subject in which the teachers are certified or licensed;

''(5) a description of the short-term strategies the agency will use, if any, to address the agency's teacher shortage problem, including the strategies the agency will use to ensure that the teachers that the local educational agency is targeting for employment are fully certified or licensed;

''(6) a description of the agency's long-term plan for ensuring that the agency's teachers have opportunities for sustained, high-quality professional development;

''(7) a description of the ways in which the activities proposed to be carried out through the grant are part of the agency's overall plan for improving the quality of teaching and student achievement;

''(8) a description of how the agency will collaborate, as needed, with other institutions, agencies, or organizations to develop and implement the strategies the agency proposes in the application, including evidence of the commitment of the institutions, agencies, or organizations to the agency's activities;

''(9) a description of the strategies the agency will use to coordinate activities funded under the program carried out under this chapter with activities funded through other Federal programs that address teacher shortages, including programs carried out through grants to local educational agencies under title I or this title, including chapter 2, if the applicant receives funds from the programs;

''(10) a description of how the agency will evaluate the progress and effectiveness of the Hometown Teacher program, including a description of—

''(A) the agency's goals and objectives for the program;

''(B) the performance indicators that the agency will use to measure the program's effectiveness; and

''(C) the measurable outcome measures, such as increased percentages of fully certified or licensed teachers, that the agency will use to determine the program's effectiveness; and

''(11) an assurance that the agency will provide to the Secretary such information as the Secretary determines to be necessary to determine the overall effectiveness of programs carried out under this chapter.

"SEC. 2055. PRIORITY.

''In awarding grants under this chapter, the Secretary may give priority to agencies submitting applications that—

''(1) focus on increasing the percentage of qualified teachers in particular teaching fields, such as mathematics, science, and bilingual education; and

''(2) focus on recruiting qualified teachers for certain types of communities, such as urban and rural communities.

"SEC. 2056. USE OF FUNDS.

''(a) MANDATORY USE OF FUNDS.—A local educational agency that receives a grant under this chapter shall use the funds made available through the grant to develop and implement long-term strategies to address the agency's teacher shortage, including carrying out Hometown Teacher programs such as the programs described in section 2051.

''(b) PERMISSIBLE USE OF FUNDS.—A local educational agency that receives a grant under this chapter may use the funds made available through the grant to—

''(1) develop and implement strategies to reduce the local educational agency's teacher attrition rate, including providing mentoring programs, increasing teacher salaries, and creating more desirable working conditions for teachers; and

''(2) develop and implement short-term strategies to address the agency's teacher shortage, including providing scholarships to undergraduates who agree to teach in the school district served by the agency for a certain number of years, providing signing bonuses for teachers, and implementing streamlined hiring practices.

''(c) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this chapter shall be used to supplement, and shall not supplant, State and local funds expended to carry out programs and activities authorized under this chapter.

"SEC. 2057. SERVICE REQUIREMENTS.

''(a) IN GENERAL.—The Secretary shall establish such requirements as the Secretary finds to be necessary to ensure that a recipient of a scholarship under this chapter who completes a teacher education program subsequently—

''(1) teaches in a school district served by a high-need local educational agency, for a period of time equivalent to the period for which the recipient received the scholarship; or

''(2) repays the amount of the funds provided through the scholarship.

''(b) USE OF REPAID FUNDS.—The Secretary shall deposit any such repaid funds in an account, and use the funds to carry out additional activities under this chapter.

"Chapter 4—Early Childhood Educator Professional Development

"SEC. 2061. PURPOSE.

''In support of the national effort to attain the first of America's Education Goals, the purpose of this chapter is to enhance the school readiness of young children, particularly disadvantaged young children, and to prevent them from encountering reading difficulties once they enter school, by improving the knowledge and skills of early childhood educators who work in communities that have high concentrations of children living in poverty.

"SEC. 2062. PROGRAM AUTHORIZED.

''(a) GRANTS TO PARTNERSHIPS.—The Secretary shall carry out the purpose of this chapter by awarding grants, on a competitive basis, to partnerships consisting of—

''(1)(A) one or more institutions of higher education that provide professional development for early childhood educators who work with children from low-income families in high-need communities; or

''(B) another public or private, nonprofit entity that provides such professional development;

''(2) one or more public agencies (including local educational agencies, State educational agencies, State human services agencies, and State and local agencies administering programs under the Child Care and Development Block Grant Act of 1990), Head Start agencies, or private, nonprofit organizations; and

''(3) to the extent feasible, an entity with demonstrated experience in providing violence prevention education training to educators in early childhood education programs.

''(b) PRIORITY.—In awarding grants under this chapter, the Secretary shall give priority to partnerships that include 1 or more local educational agencies which operate early childhood education programs for children from low-income families in high-need communities.

''(c) DURATION AND NUMBER OF GRANTS.—

''(1) DURATION.—Each grant under this chapter shall be awarded for not more than 4 years.

''(2) NUMBER.—No partnership may receive more than 1 grant under this chapter.

"SEC. 2063. APPLICATIONS.

''(a) APPLICATIONS REQUIRED.—Any partnership that desires to receive a grant under this chapter shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(b) CONTENTS.—Each such application shall include—

''(1) a description of the high-need community to be served by the project, including such demographic and socioeconomic information as the Secretary may request;

''(2) information on the quality of the early childhood educator professional development program currently conducted by the institution of higher education or other provider in the partnership;

''(3) the results of the assessment that the entities in the partnership have undertaken

to determine the most critical professional development needs of the early childhood educators to be served by the partnership and in the broader community, and a description of how the proposed project will address those needs;

''(4) a description of how the proposed project will be carried out, including—

''(A) how individuals will be selected to participate;

''(B) the types of research-based professional development activities that will be carried out;

''(C) how research on effective professional development and on adult learning will be used to design and deliver project activities;

''(D) how the project will coordinate with and build on, and will not supplant or duplicate, early childhood education professional development activities that exist in the community;

''(E) how the project will train early childhood educators to provide services that are based on developmentally appropriate practices and the best available research on child, language, and literacy development and on early childhood pedagogy;

''(F) how the program will train early childhood educators to meet the diverse educational needs of children in the community, including children who have limited English proficiency, disabilities, or other special needs; and

''(G) how the project will train early childhood educators in identifying and preventing behavioral problems or violent behavior in children;

''(5) a description of—

''(A) the specific objectives that the partnership will seek to attain through the project, and how the partnership will measure progress toward attainment of those objectives; and

''(B) how the objectives and the measurement activities align with the performance indicators established by the Secretary under section 2066(a);

''(6) a description of the partnership's plan for institutionalizing the activities carried out under the project, so that the activities continue once Federal funding ceases;

''(7) an assurance that, where applicable, the project will provide appropriate professional development to volunteer staff, as well as to paid staff; and

''(8) an assurance that, in developing its application and in carrying out its project, the partnership has consulted with, and will consult with, relevant agencies and early childhood educator organizations described in section 2062(a)(2) that are not members of the partnership.

''SEC. 2064. SELECTION OF GRANTEES.

''(a) CRITERIA.—The Secretary shall select partnerships to receive funding on the basis of the community's need for assistance and the quality of the applications.

''(b) GEOGRAPHIC DISTRIBUTION.—In selecting partnerships, the Secretary shall seek to ensure that communities in different regions of the Nation, as well as both urban and rural communities, are served.

''SEC. 2065. USES OF FUNDS.

''(a) IN GENERAL.—Each partnership receiving a grant under this chapter shall use the grant funds to carry out activities that will improve the knowledge and skills of early childhood educators who are working in early childhood programs that are located in high-need communities and serve concentrations of children from low-income families.

''(b) ALLOWABLE ACTIVITIES.—Such activities may include—

''(1) professional development for individuals working as early childhood educators, particularly to familiarize those individuals with the application of recent research on child, language, and literacy development and on early childhood pedagogy;

''(2) professional development for early childhood educators in working with parents, based on the best current research on child, language, and literacy development and parent involvement, so that the educators can prepare their children to succeed in school;

''(3) professional development for early childhood educators to work with children who have limited English proficiency, disabilities, and other special needs;

''(4) professional development to train early childhood educators in identifying and preventing behavioral problems or violent behavior in children;

''(5) activities that assist and support early childhood educators during their first three years in the field;

''(6) development and implementation of early childhood educator professional development programs that make use of distance learning and other technologies;

''(7) professional development activities related to the selection and use of diagnostic assessments to improve teaching and learning; and

''(8) data collection, evaluation, and reporting needed to meet the requirements of this chapter relating to accountability.

''SEC. 2066. ACCOUNTABILITY.

''(a) PERFORMANCE INDICATORS.—Simultaneously with the publication of any application notice for grants under this chapter, the Secretary shall announce performance indicators for this chapter, which shall be designed to measure—

''(1) the quality and assessability of the professional development provided;

''(2) the impact of that professional development on the early childhood education provided by the individuals who are trained; and

''(3) such other measures of program impact as the Secretary determines appropriate.

''(b) ANNUAL REPORTS; TERMINATION.—

''(1) ANNUAL REPORTS.—Each partnership receiving a grant under this chapter shall report annually to the Secretary on the partnership's progress against the performance indicators.

''(2) TERMINATION.—The Secretary may terminate a grant under this chapter at any time if the Secretary determines that the partnership is not making satisfactory progress against the indicators.

''SEC. 2067. COST-SHARING.

''(a) IN GENERAL.—Each partnership shall provide, from other sources, which may include other Federal sources—

''(1) at least 50 percent of the total cost of its project for the grant period; and

''(2) at least 20 percent of the project cost in each year.

''(b) ACCEPTABLE CONTRIBUTIONS.—A partnership may meet the requirement of subsection (a) through cash or in-kind contributions, fairly valued.

''(c) WAIVERS.—The Secretary may waive or modify the requirements of subsection (a) in cases of demonstrated financial hardship.

''SEC. 2068. FEDERAL COORDINATION.

''The Secretary and the Secretary of Health and Human Services shall coordinate activities under this chapter and other early childhood programs administered by the two Secretaries.

''SEC. 2069. DEFINITIONS.

''In this chapter:

''(1) HIGH-NEED COMMUNITY.—

''(A) IN GENERAL.—The term 'high-need community' means—

''(i) a municipality, or a portion of a municipality, in which at least 50 percent of the children are from low-income families; or

''(ii) a municipality that is one of the 10 percent of municipalities within the State having the greatest numbers of such children.

''(B) DETERMINATION.—In determining which communities are described in subparagraph (A), the Secretary shall use such data as the Secretary determines are most accurate and appropriate.

''(2) LOW-INCOME FAMILY.—The term 'low-income family' means a family with an income 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) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available.

''(3) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means a person who provides care and education to children at any age from birth through kindergarten.

''Subpart 3—Class Size Reduction

''SEC. 2071. GRANT PROGRAM.

''(a) PURPOSE.—The purposes of this section are—

''(1) to reduce class size through the use of fully qualified teachers;

''(2) to assist States and local educational agencies in recruiting, hiring, and training 100,000 teachers in order to reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per regular classroom; and

''(3) to improve teaching in those grades so that all students can learn to read independently and well by the end of the 3rd grade.

''(b) ALLOTMENT TO STATES.—

''(1) RESERVATION.—From the amount made available to carry out this subpart for a fiscal year, the Secretary shall reserve not more than 1 percent for the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities carried out in accordance with this section.

''(2) STATE ALLOTMENTS.—

''(A) HOLD HARMLESS.—

''(i) IN GENERAL.—Subject to subparagraph (B) and clause (ii), from the amount made available to carry out this subpart for a fiscal year and not reserved under paragraph (1), the Secretary shall allot to each State an amount equal to the amount that such State received for the preceding fiscal year under this section or section 310 of the Department of Education Appropriations Act, 2000, as the case may be.

''(ii) RATABLE REDUCTION.—If the amount made available to carry out this subpart for a fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

''(B) ALLOTMENT OF ADDITIONAL FUNDS.—

''(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the amount made available to carry out this subpart and not reserved under paragraph (1) exceeds the amount made available to the States for the preceding year under the authorities described in subparagraph (A)(i), the Secretary shall allot to each of those States the percentage of the excess amount that is the greater of—

''(I) the percentage the State received for the preceding fiscal year of the total amount made available to the States under section 1122; or

''(II) the percentage so received of the total amount made available to the States under section 2202(b), as in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000, or the corresponding provision of this title, as the case may be.

''(ii) RATABLE REDUCTIONS.—If the excess amount for a fiscal year is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

''(c) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—

''(1) ALLOCATION.—Each State that receives funds under this section shall allocate a portion equal to not less than 99 percent of those funds to local educational agencies, of which—

''(A) 80 percent of the portion shall be allocated to those local educational agencies in proportion to the number of children, age 5 through 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, who reside in the school district served by that local educational agency for the most recent fiscal year for which satisfactory data are available, compared to the number of those children who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

''(B) 20 percent of the portion shall be allocated to those local educational agencies in accordance with the relative enrollments of children, age 5 through 17, in public and private nonprofit elementary schools and secondary schools within the areas served by those agencies.

''(2) EXCEPTION.—Notwithstanding paragraph (1) and subsection (d)(2)(B), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher for a school served by that agency who is certified or licensed within the State, has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teacher teaches, that agency may use funds made available under this section to—

''(A) help pay the salary of a full- or part-time teacher hired to reduce class size, which may be done in combination with the expenditure of other Federal, State, or local funds; or

''(B) pay for activities described in subsection (d)(2)(A)(iii) that may be related to teaching in smaller classes.

''(3) STATE ADMINISTRATIVE EXPENSES.—The State educational agency for a State that receives funds under this section may use not more than 1 percent of the funds for State administrative expenses.

''(d) USE OF FUNDS.—

''(1) MANDATORY USES.—Each local educational agency that receives funds under this section shall use those funds to carry out effective approaches to reducing class size through use of fully qualified teachers who are certified or licensed within the State, have baccalaureate degrees, and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach, to improve educational achievement for both regular and special needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

''(2) PERMISSIBLE USES.—

''(A) IN GENERAL.—Each such local educational agency may use funds made available under this section 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 or licensed within the State, have a baccalaureate degree and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach;

''(ii) testing new teachers for academic content knowledge, and to meet State certification or licensing requirements that are 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) for teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all teachers have the general knowledge, teaching skills, and subject matter knowledge necessary to teach effectively in the content areas in which the teachers teach, consistent with title II of the Higher Education Act of 1965.

''(B) LIMITATION ON TESTING AND PROFESSIONAL DEVELOPMENT.—

''(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 funds received by the agency under this section for activities described in clauses (ii) and (iii) of subparagraph (A).

''(ii) WAIVERS.—A local educational agency may apply to the State educational agency for a waiver that would permit the agency to use more than 25 percent of the funds the agency receives under this section for activities described in subparagraph (A)(iii) for the purpose of helping teachers who have not met applicable State and local certification or licensing requirements become certified or licensed if—

''(I) the agency is in an Ed-Flex Partnership State under the Education Flexibility Partnership Act of 1999; and

''(II) 10 percent or more of teachers in elementary schools served by the agency have not met the certification or licensing requirements, or the State educational agency has waived those requirements for 10 percent or more of the teachers.

''(iii) USE OF FUNDS UNDER WAIVER.—If the State educational agency approves the local educational agency's application for a waiver under clause (ii), the local educational agency may use the funds subject to the conditions of the waiver for activities described in subparagraph (A)(iii) that are needed to ensure that at least 90 percent of the teachers in the elementary schools are certified or licensed within the State.

''(C) USE OF FUNDS BY AGENCIES THAT HAVE REDUCED CLASS SIZE.—Notwithstanding subparagraph (B), a local educational agency that has already reduced class size in the early elementary grades to 18 or fewer children (or has already reduced class size to a State or local class size reduction goal that was in effect on November 28, 1999 if that goal is 20 or fewer children) may use funds received under this section—

''(i) to make further class size reductions in kindergarten through third grade;

''(ii) to reduce class size in other grades; or

''(iii) to carry out activities to improve teacher quality, including professional development.

''(3) SUPPLEMENT, NOT SUPPLANT.—Each such agency shall use funds made available under this section only to supplement, and not to supplant, State and local funds that, in the absence of funds made available under this section, would otherwise be expended for activities described in this section.

''(4) LIMITATION ON USE FOR SALARIES AND BENEFITS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no funds made available under this section may be used to increase the salaries of, or provide benefits (other than participation in professional development and enrichment programs) to, teachers who are not hired under this section.

''(B) EXCEPTION.—Funds made available under this section may be used to pay the salaries of teachers hired under section 310 of the Department of Education Appropriations Act, 2000.

''(e) REPORTS.—

''(1) STATE ACTIVITIES.—Each State receiving funds under this section shall prepare and submit to the Secretary a biennial report on activities carried out in the State under this section that provides the information described in section 6122(a)(2) with respect to the activities.

''(2) PROGRESS CONCERNING CLASS SIZE AND QUALIFIED TEACHERS.—Each State and local educational agency receiving funds under this section shall publicly report to parents on—

''(A) the agency's progress in reducing class size, and increasing the percentage of classes in core academic areas taught by fully qualified teachers who are certified or licensed within the State, have baccalaureate degrees, and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach; and

''(B) the impact that hiring additional fully qualified teachers and reducing class size, has had, if any, on increasing student academic achievement.

''(3) PROFESSIONAL QUALIFICATIONS.—Each school receiving funds under this section shall provide to parents, on request, information about the professional qualifications of their child's teacher.

''(f) PRIVATE SCHOOLS.—If a local educational agency uses funds made available under this section for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary schools and secondary schools in such activities in accordance with section 6142. Section 6142 shall not apply to other activities carried out under this section.

''(g) LOCAL ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative expenses.

''(h) REQUEST FOR FUNDS.—Each local educational agency that desires to receive funds under this section shall include in the application required under section 2034 a description of the agency's program to reduce class size by hiring additional fully qualified teachers.

''(i) CERTIFICATION, LICENSING, AND COMPETENCY.—No funds made available under this section may be used to pay the salary of any teacher hired with funds made available under section 310 of the Department of Education Appropriations Act, 2000, unless, by the start of the 2000–2001 school year, the teacher is certified or licensed within the State and demonstrates competency in the content areas in which the teacher teaches.

''(j) DEFINITION.—In this section:

''(1) CERTIFIED.—The term 'certified' includes certification through State or local alternative routes.

''(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

(b) CONFORMING AMENDMENT.—The Troops-to-Teachers Program Act of 1999 (20 U.S.C. 9301 et seq.) is repealed.

SEC. 202. TECHNICAL ASSISTANCE PROGRAMS.

Part B of title II (20 U.S.C. 6671 et seq.) is amended to read as follows:

"PART B—TECHNICAL ASSISTANCE PROGRAMS

"SEC. 2201. FINDINGS.

''Congress finds that—

''(1) sustained, high-quality technical assistance that responds to State and local demand, supported by widely disseminated, research-based information on what constitutes high-quality technical assistance and how to identify high-quality technical assistance providers, can enhance the opportunity for all children to achieve to challenging State academic content and student performance standards;

''(2) an integrated system for acquiring, using, and supplying technical assistance is essential to improving programs and affording all children this opportunity;

''(3) States, local educational agencies, tribes, and schools serving students with special needs, such as educationally disadvantaged students and students with limited English proficiency, have clear needs for technical assistance in order to use funds under this Act to provide those students with opportunities to achieve to challenging State academic content standards and student performance standards;

''(4) current technical assistance and dissemination efforts are insufficiently responsive to the needs of States, local educational agencies, schools, and tribes for help in identifying their particular needs for technical assistance and developing and implementing their own integrated systems for using the various sources of funding for technical assistance activities under this Act (as well as other Federal, State, and local resources) to improve teaching and learning and to implement more effectively the programs authorized by this Act; and

''(5) the Internet and other forms of advanced telecommunications technology are an important means of providing information and assistance in a cost-effective way.

"SEC. 2202. PURPOSE.

''The purpose of this part is to create a comprehensive and cohesive, national system of technical assistance and dissemination that is based on market principles in responding to the demand for, and expanding the supply of, high-quality technical assistance. Such a system shall support States, local educational agencies, tribes, schools, and other recipients of funds under this Act in implementing standards-based reform and improving student performance through—

''(1) the provision of financial support and impartial, research-based information designed to assist States and high-need local educational agencies to develop and implement their own integrated systems of technical assistance and select high-quality technical assistance activities and providers for use in those systems;

''(2) the establishment of technical assistance centers in areas that reflect identified national needs in order to ensure the availability of strong technical assistance in those areas;

''(3) the integration of all technical assistance and information dissemination activities carried out or supported by the Department of Education in order to ensure comprehensive support for school improvement;

''(4) the creation of a technology-based system, for disseminating information about ways to improve educational practices throughout the Nation, that reflects input from students, teachers, administrators, and other individuals who participate in, or may be affected by, the Nation's educational system; and

''(5) national evaluations of effective technical assistance.

"Subpart 1—Strengthening the Capacity of State and Local Educational Agencies To Become Effective, Informed Consumers of Technical Assistance

"SEC. 2211. PURPOSE.

''It is the purpose of this subpart to—

''(1) provide grants to State and local educational agencies in order to—

''(A) respond to the growing demand for increased local decisionmaking in determining technical assistance needs and appropriate technical assistance services;

''(B) encourage States and local educational agencies to assess their technical assistance needs, and how their various sources of funding for technical assistance under this Act and from other sources can best be coordinated to meet those needs (including their needs to collect and analyze data);

''(C) build the capacity of State and local educational agencies to use technical assistance effectively and thereby improve their ability to provide the opportunity for all children to achieve to challenging State academic content standards and student performance standards; and

''(D) assist State and local educational agencies in acquiring high-quality technical assistance; and

''(2) establish an independent source of consumer information regarding the quality of technical assistance activities and providers, in order to assist State and local educational agencies, and other consumers of technical assistance that receive funds under this Act, in selecting technical assistance activities and providers for their use.

"SEC. 2212. ALLOCATION OF FUNDS.

''From the funds appropriated to carry out this subpart for any fiscal year—

''(1) the Secretary shall first allocate one percent of such funds to the Bureau of Indian Affairs and the Outlying Areas, in accordance with their respective needs for such funds (as determined by the Secretary) to carry out activities that meet the purposes of this subpart; and

''(2) from the remainder of such funds, the Secretary shall—

''(A) allocate two-thirds of such remainder to State educational agencies in accordance with the formula described in section 2213; and

''(B) allocate one-third of such remainder to the 100 local educational agencies with the largest number of children counted under section 1124(c), in accordance with the formula described in section 2216.

"SEC. 2213. FORMULA GRANTS TO STATE EDUCATIONAL AGENCIES.

''(a) FORMULA.—Subject to subsection (b), the Secretary shall allocate the funds under section 2212(2)(A) among the States in proportion to the relative amounts each State would have received for Basic Grants under subpart 2 of part A of title I of this Act for the most recent fiscal year, if the Secretary had disregarded the allocations under such subpart to local educational agencies that are eligible to receive direct grants under section 2216.

''(b) ADJUSTMENTS TO ALLOCATIONS.—The Secretary shall adjust the allocations under subsection (a), as necessary, to ensure that, of the total amount allocated to States under subsection (a) and to local educational agencies under section 2216, the percentage allocated to a State under this section and to localities in the State under section 2216 is at least the minimum percentage for the State described in section 1124(d) for the previous fiscal year.

''(c) REALLOCATIONS.—If the Secretary determines that any amount of any State's allocation under subsection (a) (as adjusted, if necessary, under subsection (b)) will not be required for such fiscal year for carrying out the activities for which such amount has been allocated, the Secretary shall make such amount available for reallocation. Any such reallocation among other States shall occur on such dates as the Secretary shall establish, and shall be made on the basis of criteria established by regulation. Any amount reallocated to a State under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year, and shall be deemed to be part of the State's allocation for the year in which the amount is obligated.

"SEC. 2214. STATE APPLICATION.

''(a) APPLICATION REQUIREMENTS.—Each State desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Each such application shall describe—

''(1) the State's need for, and the capacity of the State educational agency to provide, technical assistance in implementing programs under this Act (including assistance on the collection and analysis of data) and in implementing the State plan or policies for comprehensive, standards-based education reform;

''(2) how the State will use the funds provided under this subpart to coordinate all its sources of funds for technical assistance, including all sources of such funds under this Act, into an integrated system of providing technical assistance to local educational agencies, and other local recipients of funds under this Act, within the State and implement that system;

''(3) the State educational agency's plan for using funds from all sources under this Act to build its capacity, through the acquisition of outside technical assistance and other means, to provide technical assistance to local educational agencies and other recipients within the State;

''(4) how, in carrying out technical assistance activities using funds provided from all sources under this Act, the State will—

''(A) assist local educational agencies and schools in providing high-quality education to all children served under this Act to achieve to challenging academic standards;

''(B) give the highest priority to meeting the needs of high-poverty, low-performing local educational agencies (taking into consideration any assistance that such local educational agencies may be receiving under section 2216); and

''(C) give special consideration to local educational agencies and other recipients of funds under this Act serving rural and isolated areas.

''(b) APPROVAL.—The Secretary shall approve a State's application for funds under this subpart if it meets the requirements of subsection (a) and is of sufficient quality to meet the purposes of this subpart. In determining whether to approve a State's application, the Secretary shall take into consideration the advice of peer reviewers. The Secretary shall not disapprove any application under this section without giving the State notice and opportunity for a hearing.

"SEC. 2215. STATE USES OF FUNDS.

''(a) IN GENERAL.—The State educational agency may use funds provided under this subpart to—

''(1) build its capacity (and the capacity of other State agencies that implement programs under this Act) to use technical assistance funds provided under this Act effectively through the acquisition of high-quality technical assistance, and the selection of high-quality technical assistance activities and providers, that meet the technical assistance needs identified by the State;

''(2) develop, coordinate, and implement an integrated system—

''(A) that provides technical assistance to local educational agencies and other recipients of funds under this Act within the State, directly, through contracts, or through subgrants to local educational agencies, or other recipients of funds under this Act, for activities that meet the purposes of this subpart; and

''(B) that uses all sources of funds provided for technical assistance, including all sources of such funds under this Act; and

''(3) acquire the technical assistance it needs to increase opportunities for all children to achieve to challenging State academic content standards and student performance standards and to implement the State's plan or policies for comprehensive standards-based education reform.

''(b) TYPES OF TECHNICAL ASSISTANCE.—A State's integrated system of providing technical assistance may include assistance on such activities as the following:

''(1) Implementing State standards in the classroom, including aligning instruction, curriculum, assessments, and other aspects of school reform with those standards.

''(2) Collecting, disaggregating, and using data to analyze and improve the implementation, and increase the impact, of educational programs.

''(3) Conducting needs assessments and planning intervention strategies that are aligned with State goals and accountability systems.

''(4) Planning and implementing effective, research-based reform strategies, including schoolwide reforms, and strategies for making schools safe, disciplined, and drug-free.

''(5) Improving the quality of teaching and the ability of teachers to serve students with special needs (including educationally disadvantaged students and students with limited English proficiency).

''(6) Planning and implementing strategies to promote opportunities for all children to achieve to challenging State academic content standards and student performance standards.

''SEC. 2216. GRANTS TO LARGE LOCAL EDUCATIONAL AGENCIES.

''(a) FORMULA.—The Secretary shall allocate the funds under section 2212(2)(B) among the local educational agencies described therein in proportion to the relative amounts allocated to each such local educational agency for Basic Grants under subpart 2 of part A of title I of this Act for the most recent fiscal year.

''(b) REALLOCATIONS.—If the Secretary determines that any amount of any local educational agency's allocation under subsection (a) will not be required for such fiscal year for carrying out the activities for which such amount has been allocated, the Secretary shall make such amount available for reallocation. Any such reallocation among other local educational agencies described in section 2212(2)(B) shall occur on such dates as the Secretary shall establish, and shall be made on the basis of criteria established by regulation. Any amount reallocated to a local educational agency under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year, and shall be deemed to be part of the local educational agency's allocation for the year in which the amount is obligated.

''SEC. 2217. LOCAL APPLICATION.

''(a) APPLICATION REQUIREMENTS.—Each local educational agency described in section 2212(2)(B) that desires a grant under section 2216 shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Each such application shall describe—

''(1) the local educational agency's need for technical assistance in implementing programs under this Act (including assistance on the use and analysis of data) and in implementing the State's, or its own, plan or policies for comprehensive standards-based education reform; and

''(2) how the local educational agency will use the funds provided under this subpart to coordinate all its various sources of funds for technical assistance, including all sources of such funds under this Act and from other sources, into an integrated system for acquiring and using outside technical assistance and other means of building its own capacity to provide the opportunity for all children to achieve to challenging State academic content standards and student performance standards implementing programs under this Act, and implement that system.

''(b) APPROVAL.—The Secretary shall approve a local educational agency's application for funds under this subpart if it meets the requirements of subsection (a) and is of sufficient quality to meet the purposes of this subpart. In determining whether to approve a local educational agency's application, the Secretary shall take into consideration the advice of peer reviewers. The Secretary shall not disapprove any application under this section without giving the local educational agency notice and opportunity for a hearing.

''SEC. 2218. LOCAL USES OF FUNDS.

''(a) IN GENERAL.—A local educational agency described in section 2212(2)(B) may use funds provided under section 2216 to—

''(1) build its capacity to use technical assistance funds provided under this Act effectively through the acquisition of high-quality technical assistance and the selection of high-quality technical assistance activities and providers that meet its technical assistance needs;

''(2) develop, coordinate, and implement an integrated system of providing technical assistance to its schools using all sources of funds provided for technical assistance, including all sources of such funds under this Act; and

''(3) acquire the technical assistance it needs to increase opportunities for all children to achieve to challenging State academic content standards and student performance standards and to implement the State's, or its own, plan or policies for comprehensive standards-based education reform.

''(b) TYPES OF TECHNICAL ASSISTANCE.—A local educational agency may use funds provided under this subpart for technical assistance activities such as those described in section 2215(b).

''SEC. 2219. EQUITABLE SERVICES FOR PRIVATE SCHOOLS.

''(a) INFORMATION AND TRAINING.—If a State or local educational agency uses funds under this subpart to—

''(1) provide professional development for teachers or school administrators, it shall provide for such professional development for teachers or school administrators in private schools located in the same geographic area on an equitable basis; or

''(2) provide information about State educational goals, standards, or assessments, it shall, upon request, provide such information to private schools located in the same geographic area.

''(b) WAIVER.—If a State or local educational agency is prohibited by law from complying with subsection (a)(1), or the Secretary determines it has substantially failed or is unwilling to comply with subsection (a)(1), the Secretary shall waive subsection (a)(1) and arrange for the provision of such professional development services for such teachers or school administrators, consistent with applicable State goals and standards and section 11806 of this Act.

''SEC. 2219A. CONSUMER INFORMATION.

''(a) The Secretary shall, through one or more contracts, establish an independent source of consumer information regarding the quality and effectiveness of technical assistance activities and providers available to States, local educational agencies, and other recipients of funds under this Act, in selecting technical assistance activities and providers for their use.

''(b) A contract under this section may be awarded for a period of up to five years.

''(c) The Secretary may reserve, from the funds appropriated to carry out this subpart for any fiscal year, such sums as he determines necessary to carry out this section.

''SEC. 2219B. AUTHORIZATION OF APPROPRIATIONS.

''For purposes of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

''Subpart 2—Technical Assistance Centers Serving Special Needs

''SEC. 2221. GENERAL PROVISIONS.

''In addition to meeting the requirements of a particular section of this subpart, all technical assistance providers that receive funds under this subpart, all consortia that receive funds under subpart 2 of part B of title III, and the educational laboratories, and clearinghouses of the Educational Resources Information Center, supported under the Educational Research, Development, Dissemination, and Improvement Act (notwithstanding any other provision of such title or Act), shall—

''(1) participate in a technical assistance network with the Department and other federally supported technical assistance providers in order to coordinate services and resources;

''(2) ensure that the services they provide—

''(A) are of high quality;

''(B) are cost-effective;

''(C) reflect the best information available from research and practice, including findings and applications such as those made available through the Regional Educational Laboratories, Research and Development Centers, National Clearinghouses, and other federally supported providers of technical assistance; and

''(D) are aligned with State and local education reform efforts;

''(3) in collaboration with State educational agencies in the States served, educational service agencies (where appropriate), and representatives of high-poverty, low-performing urban and rural local educational agencies in each State served, develop a targeted approach to providing technical assistance that gives priority to providing intensive, ongoing services to high-poverty local educational agencies and schools that are most in need of raising student achievement (such as schools identified as in need of improvement under section 1116(c));

''(4) cooperate with the Secretary in carrying out activities (including technical assistance activities authorized by other programs under this Act) such as publicly disseminating materials and information that are produced by the Department and are relevant to the purpose, expertise, and mission of the technical assistance provider; and

''(5) use technology, including electronic dissemination networks and Internet-based resources, in innovative ways to provide high-quality technical assistance.

"SEC. 2222. CENTERS FOR TECHNICAL ASSISTANCE ON THE NEEDS OF SPECIAL POPULATIONS.

''(a) PROGRAM AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, contracts, or cooperative agreements for each fiscal year to public or private nonprofit entities, or consortia of such entities, to provide for the operation of two technical assistance centers to provide training and technical assistance to State educational agencies, local educational agencies, schools, tribes, community-based organizations, and other recipients of funds under this Act concerning—

''(A) how to address the specific linguistic, cultural, or other needs of limited English proficient, migratory, Indian, and Alaska Native students; and

''(B) educational strategies for enabling those students to achieve to challenging State academic content and performance standards.

''(2) SPECIAL EXPERTISE REQUIRED.—An entity may receive an award under this section only if it demonstrates, to the satisfaction of the Secretary, that it has expertise in the areas described in paragraphs (1) (A) and (B).

''(b) DURATION OF AWARD.—Grants, contracts, or cooperative agreements under this section shall be awarded for a period of up to 5 years.

''(c) CENTER REQUIREMENTS.—

''(1) IN GENERAL.—In order to assist local educational agencies and schools to provide high-quality education to the students described in subsection (a)(1)(A), so that they can achieve to challenging State academic content and performance standards, each center established under this section shall—

''(A) maintain appropriate staff expertise; and

''(B) provide support, training, and assistance to State educational agencies, tribes, local educational agencies, schools, and other grant recipients under this Act in meeting the needs of the students described in subsection (a)(1)(A), including the coordination of other Federal programs and State and local programs, resources, and reforms.

''(2) PRIORITY.—Each center assisted under this section shall give priority to providing services to schools, including Bureau of Indian Affairs-funded schools, that educate the students described in subsection (a)(1)(A) and have the highest percentages or numbers of children in poverty and the lowest student achievement levels.

''(d) ACCOUNTABILITY.—To ensure the quality and effectiveness of the centers supported under this section, the Secretary shall—

''(1) develop a set of performance indicators that assesses whether the work of the centers assists in improving teaching and learning under this Act for students described in subsection (a)(1)(A);

''(2) conduct surveys every two years of entities to be served under this section to determine if such entities are satisfied with the access to, and quality of, such services;

''(3) collect, as part of the Department's reviews of programs under this Act, information about the availability and quality of services provided by the centers, and share that information with the centers; and

''(4) take whatever steps are reasonable and necessary to ensure that each center performs its responsibilities in a satisfactory manner, which may include—

''(A) termination of an award under this part (if the Secretary concludes that performance has been unsatisfactory) and the selection of a new center; and

''(B) whatever interim arrangements the Secretary determines are necessary to ensure the satisfactory delivery of services under this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

"SEC. 2223. PARENTAL INFORMATION AND RESOURCE CENTERS.

''(a) PROGRAM AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, contracts, or cooperative agreements for each fiscal year to nonprofit organizations that serve parents (particularly those organizations that make substantial efforts to reach low-income, minority, or limited English proficient parents) to establish parental information and resource centers that—

''(A) coordinate the efforts of Federal, State, and local parent education and family involvement initiatives; and

''(B) provide training, information, and support to—

''(i)(I) State educational agencies;

''(II) local educational agencies, particularly local educational agencies with high-poverty and low-performing schools; and

''(III) schools, particularly high-poverty and low-performing schools; and

''(ii) organizations that support family-school partnerships, such as parent teacher organizations.

''(2) AWARD RULE.—In making awards under this section, the Secretary shall, to the greatest extent possible, ensure that each State is served by at least one recipient of such an award.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—Each nonprofit organization that desires an award under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary shall determine.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall, at a minimum, include—

''(A) a description of the applicant's capacity and expertise to implement a grant under this section;

''(B) a description of how the applicant would use its award to help State and local educational agencies, schools, and non-profit organizations in the State, particularly those making substantial efforts to reach a large number or percentage of low-income, minority, or limited English proficient children—

''(i) identify barriers to parent or family involvement in schools, and strategies to overcome those barriers; and

''(ii) implement high-quality parent education and family involvement programs that—

''(I) improve the capacity of parents to participate more effectively in the education of their children;

''(II) support the effective implementation of research-based instructional activities that support parents and families in promoting early language and literacy development; and

''(III) support schools in promoting meaningful parent and family involvement;

''(C) a description of the applicant's plan to disseminate information on high-quality parent education and family involvement programs to local educational agencies, schools, and non-profit organizations that serve parents in the State;

''(D) a description of how the applicant would coordinate its activities with the activities of other Federal, State, and local parent education and family involvement programs and with national, State, and local organizations that provide parents and families with training, information, and support on how to help their children prepare for success in school and achieve to high academic standards;

''(E) a description of how the applicant would use technology, particularly the Internet, to disseminate information; and

''(F) a description of the applicant's goals for the center, as well as baseline indicators for each of the goals, a timeline for achieving the goals, and interim measures of success toward achieving the goals.

''(c) MATCHING REQUIREMENTS.—The Federal share of the cost of any center funded under this section shall not exceed 75 percent. The non-Federal share of the cost of a center may be provided in cash or in kind, fairly evaluated.

''(d) USES OF FUNDS.—

''(1) IN GENERAL.—Recipients of funds awarded under this section shall use such funds to support State and local educational agencies, schools, and non-profit organizations in implementing programs that provide parents with training, information, and support on how to help their children achieve to high academic standards. Such activities may include:

''(A) Assistance in the implementation of programs that support parents and families in promoting early language and literacy development and prepare children to enter school ready to succeed in school.

''(B) Assistance in developing networks and other strategies to support the use of research-based, proven models of parent education and family involvement, including the 'Parents as Teachers' and 'Home Instruction Program for Preschool Youngsters' programs, to promote children's development and learning.

''(C) Assistance in preparing parents to communicate more effectively with teachers and other professional educators and support staff, and providing a means for on-going, meaningful communication between parents and schools.

''(D) Assistance in developing and implementing parent education and family involvement programs that increase parental knowledge about standards-based school reform.

''(E) Disseminating information on programs, resources, and services available at the national, State, and local levels that support parent and family involvement in the education of their school-age children.

''(2) TARGETED ACTIVITIES.—Each recipient of funds under this section shall use at least 75 percent of its award to support activities that serve areas with large numbers or concentrations of low-income families.

''(e) NATIONAL ACTIVITIES.—For any fiscal year, the Secretary may reserve up to 5 percent of funds appropriated to carry out this section for that fiscal year to—

''(1) provide technical assistance to the centers funded under this section; and

''(2) carry out evaluations of the program authorized by this part.

''(f) DEFINITIONS.—For purposes of this section—

''(1) the term 'parent education' includes parent support activities, the provision of resource materials on child development, parent-child learning activities and child rearing issues, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home;

''(2) the term 'Parents as Teachers program' means a voluntary early childhood parent education program that—

''(A) is designed to provide all parents of children from birth through age 5 with the information and support such parents need to give their child a solid foundation for school success;

''(B) is based on the Missouri Parents as Teachers model, with the philosophy that

parents are their child's first and most influential teachers;

''(C) provides—

''(i) regularly scheduled personal visits with families by certified parent educators;

''(ii) regularly scheduled developmental screenings; and

''(iii) linkage with other resources within the community in order to provide services that parents may want and need, except that such services are beyond the scope of the Parents as Teachers program; and

''(3) the term 'Home Instruction for Preschool Youngsters program' means a voluntary early-learning program for parents with one or more children between the ages of 3 through 5, that—

''(A) provides support, training, and appropriate educational materials necessary for parents to implement a school-readiness, home instruction program for their child; and

''(B) includes—

''(i) group meetings with other parents participating in the program;

''(ii) individual and group learning experiences with the parent and child;

''(iii) provision of resource materials on child development and parent-child learning activities; and

''(iv) other activities that enable the parent to improve learning in the home.

''(g) REPORTS.—Each recipient of funds under this section shall annually submit a report to the Secretary, on its activities under this section, in such form and containing such information as the Secretary may reasonably require. A report under this subsection shall include, at a minimum—

''(1) the number and types of activities supported by the recipient with funds received under this section;

''(2) activities supported by the recipient that served areas with high numbers or concentrations of low-income families; and

''(3) the progress made by the recipient in achieving the goals included in its application.

''(h) GENERAL PROVISIONS.—Notwithstanding any other provision of this section—

''(1) no person, including a parent who educates a child at home, public school parent, or private school parent, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this section;

''(2) no program assisted under this section shall take any action that infringes in any manner on the right of a parent to direct the education of their children; and

''(3) the provisions of section 444(c) of the General Education Provisions Act shall apply to organizations that receive awards under this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

''SEC. 2224. EISENHOWER REGIONAL MATHEMATICS AND SCIENCE EDUCATION CONSORTIA.

''(a) PROGRAM AUTHORITY.—

''(1) IN GENERAL.—

''(A) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS AUTHORIZED.—The Secretary, in consultation with the Director of the National Science Foundation, is authorized to award grants, contracts, or cooperative agreements to eligible entities to enable such entities to establish and operate regional mathematics and science education consortia for the purpose of—

''(i) disseminating exemplary mathematics and science education instructional materials; and

''(ii) providing technical assistance for the implementation of teaching methods and assessment tools for use by elementary and secondary school students, teachers, and administrators.

''(B) NUMBER OF AWARDS.—The Secretary, in accordance with the provisions of this subsection, shall award at least one grant, contract, or cooperative agreement to an eligible entity in each region.

''(C) SPECIAL RULE.—In any fiscal year, if the amount made available pursuant to subsection (h) is less than $4,500,000, then the Secretary may waive the provisions of subparagraph (B) and award grants, contracts, or cooperative agreements of sufficient size, scope, and quality to carry out this subsection.

''(D) DESIGNATION.—Each regional consortium assisted under this subsection shall be known as an 'Eisenhower regional consortium'.

''(2) PERIOD OF AWARD AND REVIEW.—Grants, contracts, or cooperative agreements under this section shall be awarded for a period of not more than five years and shall be reviewed before the end of the 30-month period beginning on the date the award is made.

''(3) AWARD AMOUNT.—In making awards under this section, the Secretary shall ensure that there is a relatively equal distribution of the funds made available among the regions, except that the Secretary may award additional funds to a regional consortium on the basis of population and geographical conditions of the region being served.

''(b) USE OF FUNDS.—Funds provided under this section may be used by a regional consortium, under the direction of a regional board established under subsection (d), to—

''(1) work cooperatively with the other regional consortia, the Eisenhower National Clearinghouse for Science and Mathematics Education, and federally funded technical assistance providers, to accomplish more effectively the activities described in this subsection;

''(2) assist, train, and provide technical assistance to classroom teachers, administrators, and other educators to identify, implement, assess, or adapt the instructional materials, teaching methods, and assessment tools described in subsection (a)(1)(A);

''(3) provide for the training of classroom teachers to enable such teachers to instruct other teachers, administrators, and educators in the classroom use of the instructional materials, teaching methods, and assessment tools described in subsection (a)(1)(A);

''(4) implement programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

''(5) collect data on activities assisted under this section in order to evaluate the effectiveness of the activities of the regional consortia;

''(6) identify exemplary teaching practices and materials from within the region and communicate such practices and materials to the Eisenhower National Clearinghouse for Mathematics and Science Education;

''(7) communicate, on a regular basis, with entities within the region that are delivering services to students and teachers of mathematics and science; and

''(8) assist in the development and evaluation of State and regional plans and activities that hold promise of bringing about systemic reform in student performance in mathematics and science.

''(c) APPLICATION.—Each eligible entity desiring a grant or contract under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Each such application shall—

''(1) demonstrate that the eligible entity has expertise in the fields of mathematics and science education;

''(2) demonstrate that the eligible entity will implement and disseminate mathematics and science education instructional materials, teaching methods, and assessment tools through a consortium of the region's mathematics and science education organizations and agencies;

''(3) demonstrate that the eligible entity will carry out the functions of the regional consortium;

''(4) demonstrate that emphasis will be given to programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

''(5) demonstrate that the business community in the region served by the regional consortium will play an integral role in designing and supporting the regional consortium's work; and

''(6) assure that the eligible entity will conduct its activities and supervise its personnel in a manner that effectively ensures compliance with the copyright laws of the United States under title 17, United States Code.

''(d) REGIONAL BOARDS.—

''(1) IN GENERAL.—Each eligible entity receiving an award under this section shall establish a regional board to oversee the administration and establishment of program priorities for the regional consortium established by such eligible entity. Such regional board shall be broadly representative of the agencies and organizations participating in the regional consortium.

''(2) PROHIBITION ON USE OF FEDERAL FUNDS.—No Federal funds may be used for the establishment or operation of a regional board required by paragraph (1), except that at the discretion of a regional board, Federal funds may be used to provide assistance such as travel and accommodations for board members who could not otherwise afford to participate as members of the board.

''(e) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

''(1) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under subsection (c) the Federal share of the cost of the activities described in the application.

''(2) FEDERAL SHARE.—For the purpose of paragraph (1), the Federal share shall be 80 percent.

''(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities described in the application submitted under subsection (c) may be in cash or in kind, fairly evaluated. At least 10 percent of such non-Federal share shall be from sources other than the Federal Government or State or local government.

''(f) EVALUATION.—

''(1) EVALUATION REQUIRED.—The Secretary, through the Office of Educational Research and Improvement and in accordance with section 11911, shall collect sufficient data on, and evaluate the effectiveness of, the activities of each regional consortium.

''(2) ASSESSMENT.—The evaluations described in paragraph (1) shall include an assessment of the effectiveness of the regional consortium in meeting the needs of the schools, teachers, administrators, and students in the region.

''(3) REPORT.—At the end of each award, the Secretary shall submit to the Congress a report on the effectiveness of the programs conducted at each regional consortium.

''(g) DEFINITIONS.—For purposes of this part:

''(1) The term 'eligible entity' means an entity that has demonstrated expertise in mathematics and science education and is—

''(A) a private nonprofit organization;

''(B) an institution of higher education;

''(C) an elementary or secondary school;

''(D) a State or local educational agency;

''(E) a regional educational laboratory in consortium with the research and development center established under section 931(c)(1)(B)(i) of the Educational Research, Development, Dissemination, and Improvement Act of 1994; or

''(F) any combination of the entities described in subparagraphs (A) through (E).

''(2) The terms 'mathematics' and 'science' include the technology education associated with mathematics and science, respectively.

''(3) The term 'region' means a region of the United States served by a regional education laboratory that is supported by the Secretary pursuant to section 405(d)(4)(A)(i) of the General Education Provisions Act (as such section was in existence on the day preceding the date of enactment of the Goals 2000: Educate America Act).

''(4) The term 'regional consortium' means each regional mathematics and science education consortium established pursuant to subsection (a).

''(5) The term 'State agency for higher education' means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated for the purpose of carrying out this section by the Governor or by State law.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

''Subpart 3—Technology-Based Technical Assistance Information Dissemination

''SEC. 2231. WEB-BASED AND OTHER INFORMATION DISSEMINATION.

''(a) IN GENERAL.—(1)(A) With funds appropriated under section 2232 for each fiscal year, the Secretary is authorized to carry out a national system, through the Worldwide Web and other advanced telecommunications technologies, that supports interactive information sharing and dissemination about ways to improve educational practices throughout the Nation.

''(B) In designing and implementing the system under this subsection, the Secretary shall create opportunities for the continuing input of students, teachers, administrators, and other individuals who participate in, or may be affected by, the Nation's educational system.

''(C) The Secretary may carry out the program authorized by this subsection through the award of grants, contracts, or cooperative agreements on a competitive basis.

''(2) The system authorized by this subsection shall include information on—

''(A) stimulating instructional materials that are aligned with challenging content standards; and

''(B) successful and innovative practices in—

''(i) instruction;

''(ii) professional development;

''(iii) challenging academic content and student performance standards;

''(iv) assessments;

''(v) effective school management; and

''(vi) such other areas as the Secretary determines are appropriate.

''(3)(A) The Secretary may require the technical assistance providers funded under this part, or under subpart 2 of part B of title III, or the educational laboratories and clearinghouses of the Educational Resources Information Center supported under the Educational Research, Development, Dissemination, and Improvement Act (notwithstanding any other provision of such part, subpart, or Act), to—

''(i) provide information (including information on practices employed in the regions or States served by the providers) for use in the system authorized by this subsection;

''(ii) coordinate their activities in order to ensure a unified system of technical assistance; or

''(iii) otherwise participate in the system authorized by this subsection.

''(B) The Secretary shall ensure that—

''(i) the dissemination activities authorized under this subsection are integrated with, and do not duplicate, the dissemination activities of the Office of Educational Research and Improvement; and

''(ii) the public has access, through the system authorized by this subsection, to the latest research, statistics, and other information supported by, or available from, such Office.

''(b) ADDITIONAL ACTIVITIES.—The Secretary is authorized to carry out additional activities, using advanced telecommunications technologies where appropriate, to assist local educational agencies, State educational agencies, tribes, and other recipients of funds under this Act in meeting the requirements of the Government Performance and Results Act of 1993. Such assistance may include information on measuring and benchmarking program performance and student outcomes.

''SEC. 2232. AUTHORIZATION OF APPROPRIATIONS.

''For purposes of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

''Subpart 4—National Evaluation Activities

''SEC. 2241. NATIONAL EVALUATION ACTIVITIES.

The Secretary shall conduct, directly or through grants, contracts, or cooperative agreements, such activities as the Secretary determines necessary to—

''(1) determine what constitutes effective technical assistance;

''(2) evaluate the effectiveness of the technical assistance and dissemination programs authorized by, or assisted under, this part and the educational laboratories, and clearinghouses of the Educational Resources Information Center, supported under the Educational Research, Development, Dissemination, and Improvement Act (notwithstanding any other provision of such Act); and

''(3) increase the effectiveness of such programs.''.

SEC. 203. GRANTS TO STATES FOR THE TRAINING OF PRINCIPALS.

Title II (20 U.S.C. 6671 et seq.) is amended—

(1) by redesignating part E as part J;

(2) by redesignating sections 2401 and 2402 as sections 2901 and 2902, respectively; and

(3) by amending part D to read as follows:

''PART D—GRANTS TO STATES FOR THE TRAINING OF PRINCIPALS

''SEC. 2301. GRANTS TO STATES FOR THE TRAINING OF PRINCIPALS.

''(a) GRANTS.—

''(1) IN GENERAL.—From the sums appropriated under subsection (g) and not reserved under subsection (f) for any fiscal year, the Secretary shall award grants to eligible State educational agencies or consortia of State educational agencies to enable such State educational agencies or consortia to award grants to local educational agencies for the provision of professional development services for public elementary school and secondary school principals to enhance the leadership skills of such principals.

''(2) AWARD BASIS.—The Secretary shall award grants under this section to eligible State educational agencies or consortia on the basis of criteria that includes—

''(A) the quality of the proposed use of the grant funds; and

''(B) the educational need of the State or States.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State educational agency or consortium shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that—

''(1) matching funds will be provided in accordance with subsection (e); and

''(2) principals were involved in developing the application and the proposed use of the grant funds.

''(c) USE OF FUNDS.—Subject to section 3(a)(1), a State educational agency or consortium that receives a grant under this section shall use amounts received under the grant to provide assistance to local educational agencies to enable such local educational agencies to provide training and other activities to increase the leadership and other skills of principals in public elementary schools and secondary schools. Such activities may include activities—

''(1) to enhance and develop school management and business skills;

''(2) to provide principals with knowledge of—

''(A) effective instructional skills and practices; and

''(B) comprehensive whole-school approaches and programs;

''(3) to improve understanding of the effective uses of educational technology;

''(4) to provide training in effective, fair evaluation of school staff; and

''(5) to improve knowledge of State content and performance standards.

''(d) AMOUNT OF GRANT.—The amount of a grant awarded to a State educational agency or consortium under this section shall be determined by the Secretary.

''(e) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—To be eligible to receive funds under this section, a State educational agency or consortium shall provide assurances satisfactory to the Secretary that non-Federal funds will be made available to carry out activities under this title in an amount equal to 25 percent of the amount that is provided to the State educational agency or consortium under this section.

''(2) WAIVER.—The Secretary shall promulgate regulations to waive the matching requirement of paragraph (1) with respect to State educational agencies or consortia that the Secretary determines serve low-income areas.

''(3) NON-FEDERAL CONTRIBUTIONS.—Non-Federal funds required under paragraph (1) may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal funds.

''(f) RESERVATION.—The Secretary may reserve not more than 2 percent of the amount appropriated under subsection (g) for each fiscal year to develop model national programs to provide the activities described in subsection (c) to principals. In carrying out the preceding sentence the Secretary shall appoint a commission, consisting of representatives of local educational agencies, State educational agencies, departments of education within institutions of higher education, principals, education organizations,

community groups, business, and labor, to examine existing professional development programs and to produce a report on the best practices to help principals in multiple education environments across our Nation. The report shall be produced not later than 1 year after the date of enactment of this Act.

''(g) APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, $100,000,000 for each of the fiscal years 2001 through 2005 to carry out this section.''.

SEC. 204. SCHOLARSHIPS FOR INVITING NEW SCHOLARS TO PARTICIPATE IN RENEWING EDUCATION.

Title II (20 U.S.C. 6601 et seq.), as amended by section 203, is amended by inserting after part D the following:

''PART E—SCHOLARSHIPS FOR INVITING NEW SCHOLARS TO PARTICIPATE IN RENEWING EDUCATION

''SEC. 2401. SHORT TITLE; PURPOSE.

''(a) SHORT TITLE.—This part may be cited as the 'Inviting New Scholars to Participate in Renewing Education Act'.

''(b) PURPOSE.—The purpose of this part is to make available, through grants to the State educational agencies, scholarships to individuals who are outstanding students, who are in their final year of secondary school, attending an institution of higher education, or graduates of such an institution, and who demonstrate an interest in teaching children and youth, in order to enable and encourage those individuals to pursue teaching careers in education at the preschool, elementary, or secondary level.

''SEC. 2402. DEFINITIONS.

''In this part:

''(1) ALTERNATIVE CERTIFICATION PROGRAM.—The term 'alternative certification program' means a program to obtain teacher certification through an alternative route designated by the State.

''(2) ALTERNATIVE ROUTE.—The term 'alternative route', used with respect to certification, means a route to certification that—

''(A) includes strong academic and pedagogical course work that provides a candidate seeking to become a teacher with the subject matter knowledge and teaching knowledge needed to help students meet a State's curriculum standards;

''(B) provides intensive field experience in the form of an internship, or student teaching, under the direct daily supervision of an expert, veteran teacher;

''(C) ensures that the candidate meets standards that are at least as rigorous as the State's standards for subject matter knowledge and teaching knowledge that are required for traditional teacher certification or licensing (not certification through such a route); and

''(D) is provided through a program that meets all of the State's quality standards for program approval, including standards that pertain to teacher candidate test performance and other outcomes.

''(3) HIGH-NEED.—The term 'high-need', used with respect to a school district, means a school district in which—

''(A) not less than 30 percent of the children served by the local educational agency for the school district are children eligible to be counted under section 1124(c)(2); and

''(B) the elementary schools and secondary schools—

''(i) have a higher teacher turnover rate than the corresponding rate for the State in which the school district is located;

''(ii) have a higher percentage of uncertified or unlicensed teachers than the corresponding percentage for the State; or

''(iii) have a higher percentage of secondary school teachers not teaching in the academic subject in which the teachers were trained to teach, than the corresponding percentage for the State,

as determined by the State.

''(4) SCHOLARSHIP.—The term 'scholarship' means a scholarship awarded under this part.

''SEC. 2403. ALLOTMENTS AND GRANTS TO STATES.

''(a) GRANTS.—The Secretary may make grants to States, from allotments determined under subsection (b), to enable the State educational agencies for the States to pay for the Federal share of the cost of awarding scholarships in accordance with this part.

''(b) ALLOTMENTS.—From the sums appropriated to carry out this part and not reserved under section 2409(c) for any fiscal year, the Secretary shall allot to each eligible State educational agency an amount that bears the same relationship to the sums as the school-age population in the State, bears to the school-age population in all States, as determined using the most recently available data from the Bureau of the Census.

''(c) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost described in subsection (a) is 80 percent.

''(2) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided from State sources in cash or in kind, fairly evaluated, including plant, equipment, and services.

''SEC. 2404. GRANT APPLICATIONS.

''(a) SUBMISSION OF APPLICATIONS.—In order to receive a grant under this part, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(b) CONTENT OF APPLICATIONS.—The application shall contain information that—

''(1) describes the selection criteria and procedures to be used by the State educational agency in the selection of scholarship recipients under this part;

''(2) designates the State educational agency as the State agency responsible for administering the grants received under this part;

''(3) describes the outreach effort the State educational agency intends to use to publicize the availability of the scholarships to eligible applicants in the State;

''(4) describes how the State educational agency will inform recipients, on receipt of the scholarship awards, of current and projected teacher shortages and surpluses within the State;

''(5) provides assurances that each recipient of scholarship assistance will enter into an agreement with the State educational agency under which the recipient will—

''(A) complete the program of postsecondary education or alternative certification program, as described in section 2407(a)(1), for which the scholarship was awarded;

''(B)(i) obtain certification or licensing as a teacher (that is not temporary or emergency certification or licensing); and

''(ii) teach in a private nonprofit or public preschool, or a public elementary school or secondary school, in a high-need school district, for a period of not less than 1 year for each $5,000 of the assistance received;

''(C) provide to the Secretary evidence of compliance with section 2407 as required by the Secretary; and

''(D) repay all or part of a scholarship, plus pay interest and, if applicable, reasonable collection fees, in compliance with regulations issued by the Secretary under section 2408(a), in the event that the recipient does not comply with the conditions described in subparagraphs (A) and (B), except as provided for in section 2408(b) or procedures described in paragraph (7);

''(6) provides that the agreement entered into with recipients will fully disclose the terms and conditions under which assistance is provided under this part and under which repayment may be required, including—

''(A) a description of the procedures required to be established under paragraph (7); and

''(B) a description of the appeals procedures required to be established under paragraph (8);

''(7) provides for procedures under which a recipient of assistance under this part who teaches for less than the period required under paragraph (5)(B) will have the repayment requirements described in section 2408(a) reduced or eliminated, consistent with the provisions of section 2408(b); and

''(8) provides for appeals procedures under which a recipient may appeal any determination of noncompliance with any provision under this part.

''SEC. 2405. AMOUNT AND DURATION OF AND RELATION TO OTHER ASSISTANCE.

''(a) LIMITATIONS ON AMOUNT AND DURATION.—Subject to subsection (c), each scholarship recipient shall receive a scholarship for each academic year of postsecondary education or study in an alternative certification program described in section 2407(a) in preparation to become a preschool, elementary school, or secondary school teacher. No individual shall receive scholarship assistance under this part for more than 4 years of such postsecondary education or study, as determined by the State educational agency, or a total amount of such assistance that is greater than $20,000.

''(b) CONSIDERATION OF AWARD IN OTHER PROGRAMS.—Notwithstanding the provisions of title IV of the Higher Education Act of 1965, scholarship assistance awarded pursuant to this part shall be considered in determining eligibility for student assistance under such title IV.

''(c) ASSISTANCE NOT TO EXCEED COST OF ATTENDANCE.—No individual shall receive assistance for a scholarship under this part, in any academic year, that exceeds the cost of attendance, as defined in section 472 of the Higher Education Act of 1965, at the institution the individual is attending or such cost of attendance for an alternative certification program. A scholarship awarded under this part shall not be reduced on the basis of the student's receipt of other forms of Federal student financial assistance, but shall be taken into account in determining the eligibility of the student for the other forms of Federal student financial assistance.

''(d) SUPPLEMENT, NOT SUPPLANT.—Funds appropriated pursuant to the authority of this part shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services for eligible individuals.

''SEC. 2406. SELECTION OF SCHOLARSHIP RECIPIENTS.

''(a) SELECTION CRITERIA AND PROCEDURES.—The State educational agency shall establish criteria and procedures for the selection of scholarship recipients. The criteria shall be intended to attract highly qualified individuals into teaching, and to meet the present and projected needs of States in addressing teacher shortages, including the demand for and supply of early childhood and elementary school teachers in the State, the demand for and supply of secondary school teachers in the State, and the demand for teachers with training in specific academic subjects in the State.

''(b) RESERVATION OF SCHOLARSHIP FUNDS.—In awarding the funds made available to a State educational agency under this part for scholarships, the State educational agency shall reserve not less than 30 percent of the funds for scholarships to students that intend to teach in an academic

subject that the State educational agency determines is a subject shortage area, such as mathematics, science, or special education.

"SEC. 2407. SCHOLARSHIP CONDITIONS.

''(a) EVIDENCE OF ENROLLMENT.—An individual who is a recipient of scholarship assistance under this part shall continue to receive such scholarship assistance only during such periods as the Secretary finds that the recipient is—

''(1)(A)(i) enrolled as a full-time student in a program of postsecondary education at an accredited institution of higher education that includes a teacher education program that is approved by the agency; and

''(ii) pursuing a major or minor in the academic subject that the individual intends to teach;

''(B)(i) enrolled as a full-time student in a graduate program of postsecondary education at an institution described in subparagraph (A); and

''(ii) pursuing a degree in the academic subject that the individual intends to teach; or

''(C) enrolled in an alternative certification program;

''(2) pursuing a course of study leading to teacher certification or licensing in the program of postsecondary education or alternative certification program involved; and

''(3) maintaining satisfactory progress, as determined by the institution of higher education, or the entity providing the alternative certification program, that the recipient is attending.

''(b) EVIDENCE OF EMPLOYMENT.—An individual who is a recipient of scholarship assistance under this part shall supply to the Secretary, not later than 27 months after the date the recipient completes the program of postsecondary education or alternative certification program for which the scholarship was awarded, evidence of employment as a teacher in a private nonprofit or public preschool, or a public elementary school or secondary school.

''(c) TRACKING.—The Secretary shall conduct such oversight and evaluation as may be necessary to assure compliance with this section.

"SEC. 2408. SCHOLARSHIP REPAYMENT PROVISIONS.

''(a) REPAYMENT.—Recipients of scholarships who are found by the Secretary to be in violation of the agreement entered into under section 2404(b)(5) shall be required—

''(1) to repay a pro rata amount of the scholarship assistance received; and

''(2) to pay interest (but in no event at an interest rate higher than the rate applicable to loans in the applicable period under part B of title IV of the Higher Education Act of 1965), and, in applicable cases, to pay reasonable collection fees, on a schedule and at a rate of interest to be prescribed by the Secretary in regulations issued pursuant to this part.

''(b) DEFERRAL DURING CERTAIN PERIODS.—A recipient shall not be considered to be in violation of the agreement entered into under section 2404(b)(5) during any period during which—

''(1) the recipient is enrolled in, pursuing an appropriate course of study in, and maintaining satisfactory progress in, a program of postsecondary education or an alternative certification program, as described in section 2407(a);

''(2) the recipient is seeking and unable to find full-time employment as a teacher in a private nonprofit or public preschool, or a public elementary school or secondary school, for a single period of not to exceed 27 months;

''(3) repayment would pose particular hardship for the recipient, as determined by the Secretary; or

''(4) the recipient satisfies the provisions of additional repayment exceptions that may be prescribed by the Secretary in regulations issued pursuant to this part.

"SEC. 2409. EVALUATION.

''(a) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent evaluation of the scholarship assistance program carried out under this part, which shall summarize and evaluate the State activities assisted under this part and the performance of such program. The evaluation shall assess the impact of the scholarship program assisted under this part to determine whether such program has brought into teaching a significant number of highly able individuals who otherwise would not have entered teaching.

''(b) EVALUATION REPORTS.—The Secretary shall submit to the President, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate—

''(1) such interim evaluation reports as may be appropriate; and

''(2) not later than September 30, 2005, a final report containing the results of the evaluation.

''(c) FUNDING.—The Secretary shall reserve, from the amounts appropriated pursuant to section 2410 for fiscal years 2001 through 2005, the minimum amount necessary to carry out this section.

"SEC. 2410. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this part $100,000,000 for each of fiscal years 2001 through 2005.

''(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available until expended.''.

SEC. 205. MENTOR TEACHER PROGRAM.

Title II, as amended by section 204, is amended by inserting after part E the following:

"PART F—MENTOR TEACHER PROGRAM

"SEC. 2501. PURPOSES.

''The purposes of this part are to give local educational agencies the resources to establish mentor teacher programs to enable experienced teachers to train, support, and mentor novice teachers.

"SEC. 2502. DEFINITIONS.

''In this part:

''(1) BOARD CERTIFIED.—The term 'board certified' means successful completion of all requirements to be certified by the National Board for Professional Teaching Standards in the academic subject in which a teacher is teaching.

''(2) MENTOR TEACHER.—The term 'mentor teacher' means a teacher who—

''(A) is fully certified or licensed;

''(B) has demonstrated mastery of pedagogical and subject matter skills (such as by becoming board certified); and

''(C) has provided evidence of superior teaching abilities and interpersonal relationship characteristics.

''(3) NOVICE TEACHER.—The term 'novice teacher' means a teacher who has been teaching not more than 3 years at a public elementary school or secondary school.

"SEC. 2503. PROGRAM AUTHORIZED.

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to local educational agencies to develop and implement mentor teacher programs as described in subsection (d).

''(2) DURATION.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

''(b) GEOGRAPHIC DISTRIBUTION.—To the maximum extent practicable, the Secretary shall award the grants so that the grants are distributed among the local educational agencies with higher percentages of new teachers, or lower percentages of certified or licensed teachers, than the corresponding percentages for the States in which the agencies are located.

''(c) AMOUNT.—The amount of each grant shall be determined based on—

''(1) the total amount appropriated for a fiscal year under section 2508 and made available to carry out this part; and

''(2) the extent of the concentration of novice teachers in the school district involved.

''(d) AUTHORIZED ACTIVITIES.—

''(1) ALLOCATION BY ACTIVITY.—A local educational agency that receives a grant under subsection (a) for a mentor teacher program shall use—

''(A) not less than 75 percent of the funds made available through the grant to pay for the Federal share of the cost of obtaining the services of the mentor teachers; and

''(B) not more than 25 percent of the funds to pay for other costs related to the development and implementation of the mentor teacher program.

''(2) TRAINING.—The mentor teacher program shall provide training to novice teachers on effective teaching techniques (including techniques relating to class discipline and curriculum development) through observation, instruction, coaching, and mentoring by mentor teachers.

''(3) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of the cost described in paragraph (1)(A) is 75 percent.

''(B) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided from State sources in cash or in kind, fairly evaluated, including plant, equipment, and services.

''(e) SUPPLEMENT, NOT SUPPLANT.—Funds appropriated pursuant to the authority of this part shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services for eligible individuals.

"SEC. 2504. APPLICATIONS.

''A local educational agency desiring a grant under section 2503 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 2505. PAYMENTS.

''(a) IN GENERAL.—Grant payments shall be made under this part on an annual basis.

''(b) ADMINISTRATIVE COSTS.—Each local educational agency that receives a grant under section 2503 shall use not more than 2 percent of the amount awarded under the grant for administrative costs.

''(c) DENIAL OF GRANT.—If the Secretary determines that a local educational agency has failed to make substantial progress in attaining such performance objectives and goals as the Secretary may require the agency to establish, such an agency shall not be eligible for a grant payment under this part in the next succeeding year.

"SEC. 2506. REPORTS.

''The Secretary shall prepare and submit 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 a report of program activities funded under this part.

"SEC. 2507. MATCHING REQUIREMENT.

''The Secretary may not award a grant to a local educational agency under section 2503

unless the local educational agency agrees that, with respect to costs to be incurred by the agency in carrying out activities for which the grant was awarded, the agency shall provide (directly or through donations from public or private entities) in non-Federal contributions an amount equal to 25 percent of the amount of the grant awarded to the agency.

"SEC. 2508. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this part $50,000,000 for each of fiscal years 2001 through 2005.''.

SEC. 206. TEACHER TECHNOLOGY PREPARATION ACADEMIES.

Title II, as amended by section 205, is amended by inserting after part F the following:

"PART G—TEACHER TECHNOLOGY PREPARATION ACADEMIES

"SEC. 2601. TEACHER TECHNOLOGY PREPARATION ACADEMIES.

''(a) GRANTS.—The Secretary is authorized to award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to establish Teacher Technology Preparation Academies within the State that—

''(1) provide teachers, librarians, and library media specialists with training to acquire or upgrade technology skills in order to use technology effectively in the classroom;

''(2) have training plans developed by a local educational agency; and

''(3) encourage teachers, librarians, and library media specialists trained at the academies to return to their schools and act as technology instructors for other teachers, librarians, and library media specialists.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2001 and each of the 4 subsequent fiscal years.''.

SEC. 207. NEW CENTURY PROGRAM AND DIGITAL EDUCATION CONTENT COLLABORATIVE.

Title II, as amended by section 206, is amended by inserting after part G, the following:

"PART H—THE NEW CENTURY PROGRAM FOR DISTRIBUTED TEACHER PROFESSIONAL DEVELOPMENT

"SEC. 2701. PROJECT AUTHORIZED.

''(a) PURPOSE.—It is the purpose of this part to carry out a program designed to assist elementary school and secondary school teachers in preparing all students for achieving State content standards.

''(b) GRANTS.—The Secretary may make a grant to a nonprofit telecommunications entity, or a partnership of such entities, for the purpose of carrying out a national telecommunications-based program to improve teaching in core curriculum areas to achieve the purpose described in subsection (a).

"SEC. 2702. APPLICATION.

''(a) IN GENERAL.—Each nonprofit telecommunications entity, or partnership of such entities, desiring a grant under this part shall submit an application to the Secretary. Each such application shall—

''(1) demonstrate that the applicant will use the public broadcasting infrastructure and school digital networks, where available, to deliver video and data in an integrated service to train teachers in the use of standards-based curricula materials and learning technologies;

''(2) provide an assurance that the project for which the assistance is being sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, national, State, or local nonprofit public telecommunications entities, and national education professional associations that have developed content standards in the relevant subject areas;

''(3) provide an assurance that a significant portion of the benefits available for elementary schools and secondary schools from the project for which the assistance is being sought will be available to schools of local educational agencies which have a high percentage of children counted under section 1124(c); and

''(4) contain such additional assurances as the Secretary may reasonably require.

''(b) APPROVAL, NUMBER OF SITES.—In approving applications under this section, the Secretary shall ensure that the program authorized by this part is conducted at elementary school and secondary school sites in at least 15 States.

"SEC. 2703. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part, $20,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 subsequent fiscal years.

"PART I—DIGITAL EDUCATION CONTENT COLLABORATIVE

"SEC. 2811. DIGITAL EDUCATION CONTENT COLLABORATIVE.

''(a) IN GENERAL.—The Secretary may award grants to, or enter into contracts or cooperative agreements with, eligible entities described in section 2812(b) to develop, produce, and distribute educational and instructional video programming that is designed for use by kindergarten through grade 12 schools and based on State standards.

''(b) AVAILABILITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall ensure that eligible entities enter into multiyear content development collaborative arrangements with State educational agencies, local educational agencies, institutions of higher education, businesses, or other agencies and organizations.

"SEC. 2812. EDUCATIONAL PROGRAMMING.

''(a) AWARDS.—The Secretary shall award grants, contracts, or cooperative agreements under this part to eligible entities to facilitate the development of educational programming that shall—

''(1) include student assessment tools to provide feedback on student performance;

''(2) include built-in teacher utilization and support components to ensure that teachers understand and can easily use the content of the programming with group instruction or for individual student use;

''(3) be created for, or adaptable to, State content standards; and

''(4) be capable of distribution through digital broadcasting and school digital networks.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under section 2811(a), an entity shall be a local public telecommunications entity as defined in section 397(12) of the Communications Act of 1934 that is able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality.

''(c) COMPETITIVE BASIS.—Grants, contracts, or cooperative agreements under this part shall be awarded on a competitive basis as determined by the Secretary.

''(d) DURATION.—Each grant, contract, or cooperative agreement under this part shall be awarded for a period of 3 years in order to allow time for the creation of a substantial body of significant content.

"SEC. 2813. APPLICATIONS.

''Each eligible entity desiring a grant, contract, or cooperative agreement under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 2814. MATCHING REQUIREMENT.

''An eligible entity receiving a grant, contract, or cooperative agreement under this part shall contribute to the activities assisted under this part non-Federal matching funds in an amount equal to not less than 100 percent of the amount of the grant, contract, or cooperative agreement. Non-Federal funds may include funds provided from a non-Federal source for the transition to digital broadcasting, as well as in-kind contributions.

"SEC. 2815. ADMINISTRATIVE COSTS.

''With respect to the implementation of this part, entities receiving a grant, contract, or cooperative agreement under this part may use not more than 5 percent of the amounts received under the grant, contract, or cooperative agreement for the normal and customary expenses of administering the grant.

"SEC. 2816. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part, $25,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 subsequent fiscal years.''.

TITLE III—TECHNOLOGY FOR EDUCATION

SEC. 300. SHORT TITLE.

Section 3101 (20 U.S.C. 6801) is amended by striking ''of 1994''.

PART A—FEDERAL LEADERSHIP AND NATIONAL ACTIVITIES

SEC. 301. FINDINGS.

Section 3111 (20 U.S.C. 6811) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) technology can—

''(A) support education improvement efforts by expanding available resources and reshaping instruction, teaching, and learning environments; and

''(B) when used effectively and aligned with challenging State academic content and performance standards, support teacher capacity to create classrooms where students develop higher-order thinking and information technology skills;'';

(2) by amending paragraph (3) to read as follows:

''(3) the Federal Government—

''(A) has played an integral role in expanding and improving access to technology as an important tool for teaching and learning; and

''(B) can continue to serve as a catalyst in bringing effective uses for education technology to the classroom by providing support for—

''(i) access to technology;

''(ii) the development of educational software and web-based learning resources; and

''(iii) sustained and intensive, high- quality professional development that is aligned with challenging State academic content and performance standards;'';

(3) by amending paragraph (5) to read as follows:

''(5) a 1996 Department of Commerce study found that, by the year 2000, 60 percent of all jobs will require computer-related skills, and other studies show that women and some minorities are underrepresented in the information technology workforce;

(4) by striking paragraph (7);

(5) in paragraph (8), by striking ''acquisition and maintenance'' and inserting ''acquisition, maintenance, and ongoing support'';

(6) by striking paragraphs (9) and (11);

(7) in paragraph (12), by adding ''and'' at the end thereof;

(8) by striking paragraph (13);

(9) by amending paragraph (14) to read as follows:

''(14) the rapidly changing nature of technology, among other factors, requires the Department to maintain a leadership role in developing a national vision and strategies for bringing effective technology applications and practices to all classrooms and all educational programs through such activities as—

''(A) developing and carrying out a strategy for an ongoing evaluation of existing and anticipated future uses of educational technology to better inform the Federal role in supporting the use of educational technology, stimulate reform and innovation in teaching and learning with technology, and further the development of advanced technology;

''(B) evaluating and assessing technology programs;

''(C) disseminating information;

''(D) coordinating with public and private partnerships; and

''(E) convening expert panels to identify effective uses of educational technology;'';

(10) by striking paragraph (15);

(11) by redesignating paragraphs (2), (3), (4), (5), (6), (8), (10), (12), and (14) as paragraphs (4), (5), (9), (10), (15), (16), (17), (18), and (19), respectively;

(12) by inserting after paragraph (1) the following new paragraphs:

''(2) the cost of processing, storing, and transmitting information continues to plummet, making new advances in computer and telecommunications technology more available to schools;

''(3) by providing students with a rapidly expanding educational resource base, and a unique means of developing content knowledge, improvements in software and other technology applications (such as high-quality video, voice recognition, modeling and simulation, and intelligent tutoring and virtual reality tools), have increased student opportunities for meaningful exploration and discovery;'';

(13) by inserting after paragraph (5) (as redesignated by paragraph (11)) the following new paragraphs:

''(6) poor children are less likely than their wealthier peers to have access to a computer at home, and to attend a school in which teachers use technology to develop technical and higher-order thinking skills;

''(7) public schools have made significant progress toward meeting the goal of connecting every school to the Internet, with the percentage of schools that are connected to the Internet increasing from 35 percent in 1994 to 89 percent in 1998 and nearly doubling between 1997 and 1998, but a gap continues to exist between wealthy and poor schools in the extent to which classrooms are connected to the Internet and the manner in which technology is used to support instruction;

''(8) the E-Rate and other Federal education technology initiatives are significantly increasing the number of classrooms connected to the Internet and providing affordable access to advanced telecommunications;''; and

(14) by inserting after paragraph (10) (as redesignated by paragraph (11)) the following new paragraphs:

''(11) because girls of all ethnicities consistently rate themselves significantly lower than boys on computer ability, and are less likely to experiment with technology and enroll in advanced computer science courses, the Federal Government should encourage States, local educational agencies, and teachers to consider the needs of girls and women to obtain technical proficiency, so that they can compete in an increasingly technological society;

''(12) the Federal Government should support efforts to ensure the accessibility of all educational technology, not just assistive technology, to students with disabilities through strategies such as universal design;

''(13) although 25 States have some requirement for computer education for teacher licensure, only two States require teacher candidates to show that they can use technology, and only three States require participation in technology training, as a prerequisite for license renewal;

''(14) according to a 1998 National Center for Education Statistics survey, only 20 percent of full-time K–12 teachers feel fully prepared to integrate technology into classroom instruction;''.

SEC. 302. STATEMENT OF PURPOSE.

Section 3112 (20 U.S.C. 6812) is amended to read as follows:

''SEC. 3112. STATEMENT OF PURPOSE.

''To help all students to develop technical and higher-order thinking skills and to achieve to challenging State academic content and performance standards, as well as America's Education Goals, it is the purpose of this title to—

''(1) help provide all classrooms with access to educational technology through support for the acquisition of advanced multimedia computers, Internet connections, and other technologies;

''(2) help ensure access to, and effective use of, educational technology in all classrooms through the provision of sustained and intensive, high-quality professional development that improves teachers' capability to integrate educational technology effectively into their classrooms by actively engaging students and teachers in the use of technology;

''(3) help improve the capability of teachers to design and construct new learning experiences using technology, and actively engage students in that design and construction;

''(4) support efforts by State educational agencies and local educational agencies to create learning environments designed to prepare students to achieve to challenging State academic content and performance standards through the use of research-based teaching practices and advanced technologies;

''(5) support technical assistance to State educational agencies, local educational agencies, and communities to help them use technology-based resources and information systems to support school reform and meet the needs of students and teachers;

''(6) support the development of applications that make use of such technologies as advanced telecommunications, hand-held devices, web-based learning resources, distance learning networks, and modeling and simulation software;

''(7) support Federal partnerships with business and industry to realize more rapidly the potential of digital communications to expand the scope of, and opportunities for, learning;

''(8) support evaluation and research on the effective use of technology in preparing all students to achieve to challenging State academic content and performance standards, and the impact of technology on teaching and learning;

''(9) provide national leadership to stimulate and coordinate public and private efforts, at the national, State, and local levels, that support the development and integration of advanced technologies and applications to improve school planning and classroom instruction;

''(10) support the development, or redesign, of teacher preparation programs to enable prospective teachers to integrate the use of technology in teaching and learning;

''(11) increase the capacity of State and local educational agencies to improve student achievement, particularly that of students in high-poverty, low-performing schools;

''(12) promote the formation of partnerships and consortia to stimulate the development of, and new uses for, technology in teaching and learning;

''(13) support the creation or expansion of community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training;

''(14) help to ensure that technology is accessible to, and usable by, all students, particularly students with disabilities or limited English proficiency; and

''(15) assist every student in crossing the digital divide by ensuring that every child is computer literate by the time the child finishes 8th grade, regardless of the child's race, ethnicity, gender, income, geography, or disability.''.

SEC. 303. PROHIBITION AGAINST SUPPLANTING.

(a) REPEAL.—Section 3113 (20 U.S.C. 6813) is repealed.

(b) PROHIBITION.—Title III (20 U.S.C.6801 et seq.) is amended by inserting after section 3112 the following:

''SEC. 3113. SUPPLEMENT, NOT SUPPLANT.

''A recipient of funds awarded under this title shall use such funds only to supplement the amount of funds or resources that would, in the absence of such Federal funds, be made available from non-Federal sources for the purposes of the programs authorized under this title, and not to supplant such non-Federal funds or resources.''.

SEC. 304. REPEALS.

Sections 3114 and 3115 (20 U.S.C. 6814, 6815) and subpart 4 of part A of title III (20 U.S.C. 6871) are repealed.

SEC. 305. FEDERAL LEADERSHIP AND NATIONAL ACTIVITIES.

Subpart 1 of part A of title III (20 U.S.C. 6831 et seq.) is amended to read as follows:

''Subpart 1—Federal Leadership and National Activities;

''SEC. 3121. NATIONAL LONG-RANGE TECHNOLOGY PLAN.

''Not later than one year after the date of enactment of the Educational Excellence for All Children Act of 2000, the Secretary shall update the national long-range educational technology plan and broadly disseminate the updated plan.

''SEC. 3122. NATIONAL EVALUATION OF EDUCATION TECHNOLOGY.

''(a) NATIONAL EVALUATION.—

''(1) IN GENERAL.—In order to better inform the Federal role in supporting the use of educational technology, in stimulating reform and innovation in teaching and learning with technology, and in advancing the development of more advanced and new types and applications of such technology, the Secretary shall—

''(A) develop, within 12 months of the date of enactment of the Educational Excellence for All Children Act of 2000, a strategy for an ongoing evaluation of existing and anticipated future uses of educational technology; and

''(B) carry out such an evaluation.

''(2) ACTIVITIES AUTHORIZED.—From the funds reserved under subsection (b), the Secretary may—

''(A) conduct long-term controlled studies on the effectiveness of the uses of educational technology;

''(B) convene panels of experts to—

''(i) identify uses of educational technology that hold the greatest promise for improving teaching and learning;

''(ii) assist the Secretary with the review and assessment of the progress and effectiveness of projects that are funded under this title; and

''(iii) identify barriers to the commercial development of effective, high-quality, cost-competitive educational technology and software;

''(C) conduct evaluations and applied research studies that examine—

''(i) how students learn using educational technology, whether singly or in groups, and across age groups, student populations (including students with special needs, such as students with limited English proficiency and students with disabilities) and settings; and

''(ii) the characteristics of classrooms and other educational settings that use educational technology effectively;

''(D) collaborate with other Federal agencies that support research on, and evaluation of, the use of network technology in educational settings; and

''(E) carry out such other activities as the Secretary determines appropriate.

''(b) AVAILABILITY OF TITLE III FUNDS FOR EVALUATION.—Notwithstanding any other provision of this title, the Secretary may use up to 4 percent of the funds appropriated to carry out this title for any fiscal year to carry out the activities described in subsection (a) for that fiscal year.

''SEC. 3123. AUTHORIZATION OF APPROPRIATIONS.

''For purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.''.

SEC. 306. ALLOTMENT AND REALLOTMENT.

Section 3131(a)(2) is amended—

(1) by inserting ''(including, for purposes of this subpart, the Bureau of Indian Affairs)'' after ''State educational agency''; and

(2) by striking the period at the end thereof and inserting a comma and ''except that such minimum shall apply to the aggregate of grants received under this subpart by the outlying areas for a fiscal year.''.

SEC. 307. TECHNOLOGY LITERACY CHALLENGE FUND.

Section 3132 is amended—

(1) by amending the heading thereof to read as follows: ''**TECHNOLOGY LITERACY CHALLENGE FUND**'';

(2) by amending subsection (a)(2) to read as follows:

''(2) USE OF GRANTS.—(A) Each State educational agency that receives a grant under paragraph (1) shall use—

''(i) not less than 95 percent of the grant funds received to award, on a competitive basis, subgrants to eligible local applicants, as defined in section 3136, for use in creating new learning environments designed to prepare all students, including students with disabilities or limited English proficiency, to achieve to challenging State academic content and performance standards through the use of research-based teaching practices and advanced technologies; and

''(ii) subject to subparagraph (C), the remainder of the grant funds for administrative costs and technical assistance.

''(B) In awarding subgrants under subparagraph (A)(i), a State educational agency shall give priority to an eligible local applicant that is a partnership that meets the requirements of section 3136.

''(C) From the funds described in subparagraph (A)(i), a State educational agency may use not more than 2 percent of the grant funds received by that agency under this subpart to provide planning subgrants to eligible local applicants in order to assist them to develop strategic long-term local technology plans that shall be included in the application for a subgrant under section 3135(1).''; and

(3) by amending subsection (b)(2) to read as follows:

''(2) provide eligible local applicants with assistance in—

''(A) developing applications under section 3135;

''(B) forming partnerships among the entities described in section 3417(1)(B); and

''(C) establishing performance indicators and methods for measuring program outcomes against the indicators.''.

SEC. 308. STATE APPLICATION.

Section 3133 (20 U.S.C. 6843) is amended to read as follows:

''SEC. 3133. STATE APPLICATION.

''To receive funds under this subpart, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. As part of its application, a State educational agency shall submit a new or updated statewide educational technology plan. The plan submitted shall demonstrate how it will be coordinated with and support the State plan or policies for comprehensive standards-based education reform, and shall describe—

''(1) how the State educational agency will meet the national technology goals that—

''(A) all teachers in the Nation will have the training and support they need to help students learn using computers and the information superhighway;

''(B) all teachers and students will have modern multimedia computers in their classrooms;

''(C) every classroom will be connected to the information superhighway; and

''(D) effective software and online learning resources will be an integral part of every school's curriculum;

''(2) the State educational agency's long-term strategies for financing educational technology in the State, including how the State educational agency will use other sources of Federal and non-Federal funds, including the E-Rate, for this purpose;

''(3) the State educational agency's criteria for identifying, for purposes of section 3317(1)(A), a local educational agency as high-poverty, serving at least one low-performing school, and having a substantial need for technology, and how the State educational agency will report to the public the criteria to be used and the outcome of the competition;

''(4) the State educational agency's specific goals for using advanced technology to improve student achievement to challenging State academic content and performance standards by—

''(A) using web-based resources and telecommunications networks to provide challenging content and improve classroom instruction;

''(B) using research-based teaching practices and models of effective uses of advanced technology; and

''(C) promoting sustained and intensive, high-quality professional development that increases teacher capacity to create improved learning environments through the integration of technology into instruction;

''(5) the State educational agency's performance indicators for each of the goals described in paragraphs (1), (2), and (4) and included in its plan, baseline performance data for the indicators, a timeline for achieving the goals, and interim measures of success toward achieving the goals;

''(6) how the State educational agency will ensure that grants to eligible local applicants are of sufficient size, scope, and quality to meet the purposes of this subpart effectively;

''(7) how the State educational agency will provide technical assistance to eligible local applicants, and its capacity for providing such assistance;

''(8) how the State educational agency will ensure that educational technology is accessible to, and usable by, all students, including students with special needs, such as students who have disabilities or limited English proficiency; and

''(9) how the State educational agency will evaluate its activities under the plan.''.

SEC. 309. LOCAL USES OF FUNDS.

Section 3134 (20 U.S.C. 6844) is amended to read as follows:

''SEC. 3134. LOCAL USES OF FUNDS.

''Each eligible local applicant shall use the funds made available under section 3132(a)(2)(i) for one or more of the following activities:

''(1) Adapting or expanding existing and new applications of technology to enable teachers to create learning environments designed to prepare students to achieve to challenging State academic content and student performance standards through the use of research-based teaching practices and advanced technologies.

''(2) Providing sustained and intensive, high-quality professional development in the integration of advanced technologies into curriculum and in using those technologies to create new learning environments, including training in the use of technology to access data and resources to develop curricula and instructional materials.

''(3) Enabling teachers to use the Internet to communicate with other teachers and retrieve web-based learning resources.

''(4) Using technology to collect, manage, and analyze data to inform school improvement efforts.

''(5) Acquiring wireless telecommunications, hand-held devices, modeling or simulation tools, distance learning networks, and other advanced technologies with classroom applications.

''(6) Acquiring wiring and access to advanced telecommunications.

''(7) Using web-based learning resources, including those that provide access to challenging courses such as Advanced Placement courses.

''(8) Assisting schools to use technology to promote parent and family involvement, and support communications between family and school.

''(9) Repairing and maintaining school technology equipment.''.

SEC. 310. LOCAL APPLICATIONS.

Section 3135 (20 U.S.C. 6845) is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting the subsection designation and heading ''(a) IN GENERAL.—'' after the section heading; and

(B) by striking ''local educational agency'' and ''section 3132(a)(2)'' and inserting ''eligible local applicant'' and ''section 3132(a)(2)'', respectively;

(2) in paragraph (1)—

(A) by amending subparagraph (A) to read as follows:

''(A) a description of how the applicant plans to improve the achievement of all students by—

''(i) making effective use of new technologies, networks, and electronic learning resources;

''(ii) using research-based teaching practices that are linked to advanced technologies; and

''(iii) promoting sustained and intensive, high-quality professional development that increases the capacity of teachers to create improved learning environments through the

integration of educational technology into instruction.'';

(B) by striking subparagraph (B);

(C) by amending subparagraphs (C), (D), and (E) to read as follows:

''(C) a description of the applicant's goals regarding the use of educational technology to meet the purposes of this subpart, as well as the applicant's baseline data, timelines, benchmarks, and indicators of success for meeting these goals;

''(D) a description of how the applicant will ensure sustained and intensive, high-quality professional development for teachers, administrators, and other educational personnel to further the use of technology in the classroom;

''(E) a description of the administrative and technical support that the applicant will provide schools;'';

(D) in subparagraph (G), by striking ''and'' at the end thereof;

(E) by amending subparagraph (H) to read as follows:

''(H) a description of the applicant's strategy for financing its strategic, long-term local technology plan, including the use of other Federal and non-Federal funds;'';

(F) by redesignating subparagraphs (D), (E), (F), (G), and (H) as subparagraphs (E), (F), (G), (H), and (I), respectively;

(G) by adding at the end the following new subparagraphs:

''(J) a description of how the applicant will use advanced technology to promote communication between teachers for activities such as—

''(i) sharing examples of student work;

''(ii) developing instructional strategies;

''(iii) developing curricula aligned with State or local standards;

''(iv) using data to improve teaching and learning; and

''(K) a description of how the applicant would use technology to improve the teaching and learning of students with special needs, such as students with disabilities or limited English proficiency.''.

(3) by amending paragraph (2) to read as follows:

''(2) describe how the applicant included parents, public libraries, business leaders, and community leaders in the development of the strategic long-term local technology plan described in paragraph (1);'';

(4) in paragraph (3), by striking ''and'' at the end thereof;

(5) in paragraph (4)(B), by striking ''National Education Goals'' and inserting in lieu thereof ''America's Education Goals'';

(6) by redesignating paragraph (4) as paragraph (8);

(7) by inserting after paragraph (3) the following new paragraphs:

''(4) describe how the applicant would use subgrant funds to benefit low-performing schools;

''(5) describe how the applicant will ensure that technology is accessible to, and usable by, all students, particularly students with disabilities or limited English proficiency;

''(6) include an assurance that, before any funds received under this part are used for acquiring wiring or access to advanced telecommunications, the applicant will use all resources available to it through the E–Rate;

''(7) if the applicant is a partnership, describe the members of the partnership, their respective roles, and their respective contributions to improving the capacity of the local educational agency; and'';

(8) by striking subsection (d);

(9) in subsection (e), by striking ''local educational agency'' and ''under this Act or the Goals 2000: Educate America Act,'' and inserting ''eligible local applicant'' and ''under this Act,'', respectively; and

(10) by redesignating subsection (e) as subsection (b).

SEC. 311. REPEALS; CONFORMING CHANGES; REDESIGNATIONS.

(a) REPEALS.—Sections 3136 and 3137 (20 U.S.C. 6846, 6847) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 3131(a) (20 U.S.C. 6841(a)) is amended—

(A) in paragraph (1), by striking ''section 3114(a)(1)(C)'' and inserting ''section 3137''; and

(B) in paragraph (2), by striking ''section 3115(a)(1)(C)'' and inserting ''section 3137''.

(2) Section 3132 (20 U.S.C. 6842) is amended—

(A) in subsection (a)(1), by striking ''section 3131,'' and ''section 3133.'' and inserting ''section 3131,'' and ''section 3133.'', respectively; and

(B) in subsection (b)(1)(B), by striking ''section 3133;'' and inserting ''section 3133;''.

SEC. 312. DEFINITIONS; AUTHORIZATION OF APPROPRIATIONS.

Title III, as amended by section 311, is amended by adding after section 3135 the following:

''SEC. 3136. DEFINITIONS.

''In this subpart—

''(1) ELIGIBLE LOCAL APPLICANT.—The term 'eligible local applicant' means—

''(A) a local educational agency that, as determined by the State educational agency,—

''(i) is among the local educational agencies in the State with the highest numbers or percentages of children from households living in poverty;

''(ii) includes one or more low-performing schools; and

''(iii) has a substantial need for assistance in acquiring and using technology; or

''(B) a partnership that includes at least one local educational agency that meets the requirements of subparagraph (A) and at least one—

''(i) local educational agency that can demonstrate that teachers in schools served by that agency are using technology effectively in their classrooms;

''(ii) institution of higher education;

''(iii) for-profit organization that develops, designs, manufactures, or produces technology products or services, or has substantial expertise in the application of technology; or

''(iv) public or private non-profit organization with demonstrated experience in the application of educational technology.

''(2) LOW-PERFORMING SCHOOL.—The term 'low-performing school' means a school—

''(A) identified by the local educational agency for school improvement under section 1116(c) of this Act; or

''(B) in which a substantial majority of students fail to meet State performance standards based on State or local assessments that are aligned to the performance standards.

''SEC. 3137. AUTHORIZATION OF APPROPRIATIONS.

''For purposes of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.''.

SEC. 313. REGIONAL TECHNOLOGY IN EDUCATION CONSORTIA.

Subpart 3 of part A of title III is amended—

(1) in the heading, to read as follows:

''Subpart 3—Regional Technology in Education Consortia'';

(2) in section 3141 (20 U.S.C. 6861)—

(A) in subsection (a)—

(i) by amending the heading to read as follows: ''GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS AUTHORIZED.—'';

(ii) by amending paragraph (1) to read as follows:

''(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall make grants, or enter into contracts or cooperative agreements, in accordance with the provisions of this subpart, to consortia that meet the requirements of paragraph (2). In making such awards, the Secretary shall ensure, to the extent possible, that each geographic region of the United States shall be served by a recipient of an award under this subpart.''; and

(iii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking ''a grant under this section'' and inserting ''an award under this subpart'';

(II) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(III) by inserting immediately after subparagraph (A) the following new subparagraph:

''(B) meet the requirements of section 2421 in addition to meeting the requirements of this subpart;''; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''a grant under this section'' and inserting ''an award under this subpart'';

(II) in subsection (B)—

(aa) by striking ''information, in coordination with information available from the Secretary,'' and inserting ''information''; and

(bb) by striking ''evaluate and make recommendations on equipment and software that support the America's Education Goals and are suited for a school's particular needs,''; and

(III) in subparagraph (C), by striking ''to participate'' through the end thereof and inserting ''assistance in applying advanced technologies and web-based resources in order to design learning environments for the 21st Century; and'';

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking ''a grant under this section'' and inserting ''an award under this subpart'';

(II) in subparagraph (A)—

(aa) in the matter preceding clause (i), by striking ''technology-specific, ongoing professional development,'' and inserting ''sustained and intensive high-quality professional development that prepares educators to be effective developers, users, and evaluators of educational technology,'';

(bb) in clause (i), by striking ''that use'' through the end thereof and inserting ''for teachers, administrators, school librarians, and other education personnel; and''; and

(cc) in clause (ii), by striking subclauses (II), and (V), in subclause (III), by adding ''and'' at the end, in subclause (IV), by striking ''video conferences and seminars which'' and inserting ''the use of advanced telecommunications and distance learning networks to'', and by redesignating subclauses (III) and (IV) as subclauses (II) and (III), respectively;

(III) by striking subparagraphs (B) and (C);

(IV) in subparagraph (F), by striking ''for students'' through the end thereof and inserting a comma and ''coordinated with other programs supported under this title, that incorporate the effective use of advanced technology into teacher preparation courses;'';

(V) in subparagraph (G)—

(aa) by striking ''develop support from'' and inserting ''increase the involvement and support of''; and

(bb) by striking the period at the end and inserting a semicolon and ''and''; and

(VI) by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (B), (C), (D), and (E), respectively;

(iv) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking ''a grant under this section'' and inserting ''an award under this subpart'';

(II) in subparagraph (A), by adding ''and'' at the end;

(III) in subparagraph (B), by striking the semicolon and ''and'' at the end and inserting a period;

(IV) by striking subparagraph (C);

(V) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(VI) by inserting immediately before subparagraph (B) (as redesignated by subclause (V)) the following new subparagraph:

''(A) maintain, or contribute to, a nationally accessible repository that contains information about effective uses of educational technology, including for sustained and intensive, high-quality professional development, and disseminate that information nationwide;''; and

(iv) by amending paragraph (4) to read as follows:

''(4) COLLABORATION.—Each consortium receiving an award under this subpart shall—

''(A) collaborate, and coordinate the services that it provides, with appropriate regional and other entities assisted in whole or in part by the Department;

''(B) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region regarding the application of technology to teaching, learning, instructional management, dissemination, the collection and distribution of educational statistics, and the transfer of student information; and

''(C) collaborate with the Department and recipients of funding under other technology programs of the Department, particularly the Technology Literacy Challenge Fund under subpart 1, and the Next-Generation Technology Innovation Awards program under subpart 1 of part C, to assist the Department and those recipients as requested by the Secretary.''; and

(3) by adding at the end the following:

''SEC. 3142. AUTHORIZATION OF APPROPRIATIONS.

''For purposes of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.''.

PART B—STAR SCHOOLS PROGRAM; COMMUNITY TECHNOLOGY CENTERS.

SEC. 321. STAR SCHOOLS PROGRAM.

(a) IN GENERAL.—Part B of title III (20 U.S.C. 6891 et seq.) is amended to read as follows:

''PART B—STAR SCHOOLS PROGRAM

''Subpart 1—Star Schools Program

''SEC. 3201. SHORT TITLE.

''This part may be cited as the 'Star Schools Act'.

''SEC. 3202. PURPOSE.

''It is the purpose of this part to encourage improved instruction in mathematics, science, and foreign languages and challenging and advanced courses as well as other subjects, such as literacy skills and vocational education, and to serve underserved populations, including the disadvantaged, illiterate, limited-English proficient, and individuals with disabilities, through a star schools program under which grants are made to eligible telecommunication partnerships to enable such partnerships to—

''(1) develop, construct, acquire, maintain and operate telecommunications facilities and equipment;

''(2) develop and acquire educational and instructional programming; and

''(3) obtain technical assistance for the use of such facilities and instructional programming.

''SEC. 3203. GRANTS AUTHORIZED.

''(a) AUTHORITY.—The Secretary, through the Office of Educational Technology, is authorized to make grants, in accordance with the provisions of this part, to eligible entities to pay the Federal share of the cost of—

''(1) the development, construction, acquisition, maintenance and operation of telecommunications facilities and equipment;

''(2) the development and acquisition of interactive instructional programming;

''(3) the development and acquisition of preservice and inservice teacher training programs based on established research regarding teacher-to-teacher mentoring, effective skill transfer, and ongoing, in-class instruction;

''(4) the establishment of web-based resources or teleconferencing facilities and resources for making interactive training available to teachers;

''(5) obtaining technical assistance; and

''(6) the coordination of the design and connectivity of broadband and other telecommunications networks to reach the greatest number of schools.

''(b) DURATION.—

''(1) IN GENERAL.—The Secretary shall award grants pursuant to subsection (a) for a period of 5 years.

''(2) RENEWAL.—Grants awarded pursuant to subsection (a) may be renewed for 1 additional 3-year period.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.

''(2) AVAILABILITY.—Funds appropriated pursuant to the authority of subsection (a) shall remain available until expended.

''(d) LIMITATIONS.—

''(1) IN GENERAL.—A grant under this section shall not exceed—

''(A) five years in duration; and

''(B) $10,000,000 in any 1 fiscal year.

''(2) INSTRUCTIONAL PROGRAMMING.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this part shall be used for the cost of instructional programming.

''(3) SPECIAL RULE.—Not less than 50 percent of the funds available in any fiscal year under this part shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies which are eligible to receive assistance under part A of title I.

''(e) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of projects funded under this section shall not exceed—

''(A) 75 percent for the first and second years for which an eligible telecommunications partnership receives a grant under this part;

''(B) 60 percent for the third and fourth such years; and

''(C) 50 percent for the fifth such year.

''(2) REDUCTION OR WAIVER.—The Secretary may reduce or waive the requirement of the non-Federal share under paragraph (1) upon a showing of financial hardship.

''(f) AUTHORITY TO ACCEPT FUNDS FROM OTHER AGENCIES.—The Secretary is authorized to accept funds from other Federal departments or agencies to carry out the purposes of this section, including funds for the purchase of equipment.

''(g) COORDINATION.—The Department, the National Science Foundation, the Department of Agriculture, the Department of Commerce, and any other Federal department or agency operating a telecommunications network for educational purposes, shall coordinate the activities assisted under this part with the activities of such department or agency relating to a telecommunications network for educational purposes.

''(h) CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.—Each entity receiving funds under this part is encouraged to provide—

''(1) closed captioning of the verbal content of such program, where appropriate, to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies; and

''(2) descriptive video of the visual content of such program, as appropriate.

''(i) ADVANCED PLACEMENT INSTRUCTION.—Each eligible entity receiving funds under this part is encouraged to deliver advanced placement instruction to underserved communities.

''SEC. 3204. ELIGIBLE ENTITIES.

''(a) ELIGIBLE ENTITIES.—

''(1) REQUIRED PARTICIPATION.—The Secretary may make a grant under section 3203 to any eligible entity, if at least 1 local educational agency is participating in the proposed project.

''(2) ELIGIBLE ENTITY.—For the purpose of this part, the term 'eligible entity' may include—

''(A) a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interests of elementary and secondary schools that are eligible to participate in the program under part A of title I; or

''(B) a partnership that will provide telecommunications services and which includes 3 or more of the following entities, at least 1 of which shall be an agency described in clause (i) or (ii):

''(i) a local educational agency that serves a significant number of elementary and secondary schools that are eligible for assistance under part A of title I, or elementary and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(b)(2);

''(ii) a State educational agency;

''(iii) adult and family education programs;

''(iv) an institution of higher education or a State higher education agency;

''(v) a teacher training center or academy that—

''(I) provides teacher pre-service and in-service training; and

''(II) receives Federal financial assistance or has been approved by a State agency;

''(vi)(I) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through the Internet, satellite, cable, telephone, or computer; or

''(II) a public broadcasting entity with such experience; or

''(vii) a public or private elementary or secondary school.

''(b) SPECIAL RULE.—An eligible entity receiving assistance under this part shall be organized on a statewide or multistate basis.

''SEC. 3205. APPLICATIONS.

''(a) APPLICATIONS REQUIRED.—Each eligible entity which desires to receive a grant under section 3203 shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(b) STAR SCHOOL AWARD APPLICATIONS.—Each application submitted pursuant to subsection (a) shall—

''(1) describe how the proposed project will assist in achieving America's Education Goals, how such project will assist all students to have an opportunity to learn to challenging State and local standards, how such project will assist State and local educational reform efforts, and how such project will contribute to creating a high quality system of lifelong learning;

''(2) describe the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

''(A) the design, development, construction, acquisition, maintenance and operation of State or multistate educational telecommunications networks and technology resource centers;

''(B) microwave, fiber optics, cable, and satellite transmission equipment or any combination thereof;

''(C) reception facilities and equipment;

''(D) satellite time and other transmissions;

''(E) production facilities and equipment;

''(F) other Internet education portals and telecommunications equipment capable of serving a wide geographic area;

''(G) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought, including training in using such facilities and equipment and training in integrating programs into the classroom curriculum; and

''(H) the development of educational and related programming for use on a telecommunications network;

''(3) in the case of an application for assistance for instructional programming, describe the types of programming which will be developed to enhance instruction and training and provide assurances that such programming will be designed in consultation with professionals (including classroom teachers) who are experts in the applicable subject matter and grade level;

''(4) describe how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines;

''(5) describe the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought;

''(6) describe the manner in which historically underserved students (such as students from low-income families, limited English proficient students, students with disabilities, or students who have low literacy skills) and their families, will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this part;

''(7) describe how existing telecommunications equipment, facilities, and services, where available, will be used;

''(8) provide assurances that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment;

''(9) provide assurances that a significant portion of any facilities and equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools or local educational agencies that have a high number or percentage of children eligible to be counted under part A of title I;

''(10) provide assurances that the applicant will use the funds provided under this part to supplement and not supplant funds otherwise available for the purposes of this part;

''(11) if any member of the consortia receives assistance under subpart 3 of part A, describe how funds received under this part will be coordinated with funds received for educational technology in the classroom under such section;

''(12) describe the activities or services for which assistance is sought, such as—

''(A) providing facilities, equipment, training services, and technical assistance;

''(B) making programs accessible to students with disabilities through mechanisms such as closed captioning and descriptive video services;

''(C) linking networks around issues of national importance (such as elections) or to provide information about employment opportunities, job training, or student and other social service programs;

''(D) sharing curriculum resources between networks and development of program guides which demonstrate cooperative, cross-network listing of programs for specific curriculum areas;

''(E) providing teacher and student support services including classroom and training support materials which permit student and teacher involvement in the live interactive distance learning telecasts;

''(F) incorporating community resources such as libraries and museums into instructional programs;

''(G) providing professional development for teachers, including, as appropriate, training to early childhood development and Head Start teachers and staff and vocational education teachers and staff, and adult and family educators;

''(H) providing programs for adults to maximize the use of telecommunications facilities and equipment;

''(I) providing teacher training on proposed or established voluntary national content standards in mathematics and science and other disciplines as such standards are developed; and

''(J) providing parent education programs during and after the regular school day which reinforce a student's course of study and actively involve parents in the learning process;

''(13) describe how the proposed project as a whole will be financed and how arrangements for future financing will be developed before the project expires;

''(14) provide an assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools in local educational agencies that have a high percentage of children counted for the purpose of part A of title I;

''(15) provide an assurance that the applicant will provide such information and cooperate in any evaluation that the Secretary may conduct under this part; and

''(16) include such additional assurances as the Secretary may reasonably require.

''(c) PRIORITIES.—The Secretary, in approving applications for grants authorized under section 3203, shall give priority to applications describing projects that—

''(1) propose high-quality plans to assist in achieving 1 or more of America's Education Goals, will provide instruction consistent with State content standards, or will otherwise provide significant and specific assistance to States and local educational agencies undertaking systemic education reform;

''(2) will provide services to programs serving adults, especially parents, with low levels of literacy;

''(3) will serve schools with significant numbers of children counted for the purposes of part A of title I;

''(4) ensure that the eligible entity will—

''(A) serve the broadest range of institutions, programs providing instruction outside of the school setting, programs serving adults, especially parents, with low levels of literacy, institutions of higher education, teacher training centers, research institutes, and private industry;

''(B) have substantial academic and teaching capabilities, including the capability of training, retraining, and inservice upgrading of teaching skills and the capability to provide professional development;

''(C) provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

''(D) provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum;

''(E) provide instruction for students, teachers, and parents;

''(F) serve a multistate area; and

''(G) give priority to the provision of equipment and linkages to isolated areas; and

''(5) involve a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television stations) participating in the eligible entity and donating equipment or in-kind services for telecommunications linkages.

''(d) GEOGRAPHIC DISTRIBUTION.—In approving applications for grants authorized under section 3203, the Secretary shall, to the extent feasible, ensure an equitable geographic distribution of services provided under this part.

''SEC. 3206. DEFINITIONS.

''In this part:

''(1) EDUCATIONAL INSTITUTION.—The term 'educational institution' means an institution of higher education, a local educational agency, or a State educational agency.

''(2) INSTRUCTIONAL PROGRAMMING.—The term 'instructional programming' means courses of instruction and training courses for elementary and secondary students, teachers, and others, and materials for use in such instruction and training that have been prepared in audio and visual form on either analog or digital format and are presented by means of telecommunications devices.

''(3) TERM PUBLIC BROADCASTING ENTITY.—The term 'public broadcasting entity' has the same meaning given such term in section 397 of the Communications Act of 1934.

''SEC. 3207. ADMINISTRATIVE PROVISIONS.

''(a) CONTINUING ELIGIBILITY.—

''(1) IN GENERAL.—In order to be eligible to receive a grant under section 3203 for a second 3-year grant period an eligible entity shall demonstrate in the application submitted pursuant to section 3205 that such partnership shall—

''(A) continue to provide services in the subject areas and geographic areas assisted with funds received under this part for the previous 5-year grant period; and

''(B) use all grant funds received under this part for the second 3-year grant period to provide expanded services by—

''(i) increasing the number of students, schools or school districts served by the courses of instruction assisted under this part in the previous fiscal year;

''(ii) providing new courses of instruction; and

''(iii) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English

proficiency, are individuals with disabilities, are illiterate, or lack secondary school diplomas or their recognized equivalent.

''(2) SPECIAL RULE.—Grant funds received pursuant to paragraph (1) shall be used to supplement and not supplant services provided by the grant recipient under this part in the previous fiscal year.

''(b) FEDERAL ACTIVITIES.—The Secretary may assist grant recipients under section 3203 in acquiring satellite time and other transmissions technologies, where appropriate, as economically as possible.

''SEC. 3208. OTHER ASSISTANCE.

''(a) SPECIAL STATEWIDE NETWORK.—

''(1) IN GENERAL.—The Secretary, through the Office of Educational Technology, may provide assistance to a statewide fiber optics telecommunications network under this subsection if such network—

''(A) provides 2-way full motion interactive video and voice communications via Internet, cable and other technologies;

''(B) links together public colleges and universities and schools throughout the State; and

''(C) includes such additional assurances as the Secretary may reasonably require.

''(2) STATE CONTRIBUTION.—A statewide telecommunications network assisted under paragraph (1) shall contribute, either directly or through private contributions, non-Federal funds equal to not less than 50 percent of the cost of such network.

''(b) SPECIAL LOCAL NETWORK.—

''(1) IN GENERAL.—The Secretary may provide assistance, on a competitive basis, to a local educational agency or consortium thereof to enable such agency or consortium to establish a high technology demonstration program.

''(2) PROGRAM REQUIREMENTS.—A high technology demonstration program assisted under paragraph (1) shall—

''(A) include 2-way full motion interactive video, data and voice communications;

''(B) link together elementary and secondary schools, colleges, and universities;

''(C) provide parent participation and family programs;

''(D) include a staff development program; and

''(E) have a significant contribution and participation from business and industry.

''(3) SPECIAL RULE.—Each high technology demonstration program assisted under paragraph (1) shall be of sufficient size and scope to have an effect on meeting America's Education Goals.

''(4) MATCHING REQUIREMENT.—A local educational agency or consortium receiving a grant under paragraph (1) shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

''(c) TELECOMMUNICATIONS PROGRAMS FOR CONTINUING EDUCATION.—

''(1) AUTHORITY.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable such partnerships to develop and operate 1 or more programs which provide on-line access to educational resources in support of continuing education and curriculum requirements relevant to achieving a secondary school diploma or its recognized equivalent. The program authorized by this section shall be designed to advance adult literacy, secondary school completion and the acquisition of specified competency by the end of the 12th grade.

''(2) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary. Each such application shall—

''(A) demonstrate that the applicant will use publicly funded or free public telecommunications infrastructure to deliver video, voice and data in an integrated service to support and assist in the acquisition of a secondary school diploma or its recognized equivalent;

''(B) assure that the content of the materials to be delivered is consistent with the accreditation requirements of the State for which such materials are used;

''(C) incorporate, to the extent feasible, materials developed in the Federal departments and agencies and under appropriate federally funded projects and programs;

''(D) assure that the applicant has the technological and substantive experience to carry out the program; and

''(E) contain such additional assurances as the Secretary may reasonably require.''.

(b) REDESIGNATION OF PART D.—

(1) Part D of title III (20 U.S.C. 6951 et seq.) is redesignated as subpart 2 of part B of title III and transferred so as to appear at the end of part B of such title.

(2) Sections 3401, 3402, and 3403 are redesignated as sections 3221, 3222, and 3223, respectively.

SEC. 322. COMMUNITY TECHNOLOGY CENTERS.

Part B of Title III, as amended by section 321, is amended by adding at the end the following:

''Subpart 3—Community Technology Centers

''SEC. 3231. PURPOSE; PROGRAM AUTHORITY.

''(a) PURPOSE.—It is the purpose of this subpart to assist eligible applicants to—

''(1) create or expand community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training; and

''(2) provide technical assistance and support to community technology centers.

''(b) PROGRAM AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to assist them in—

''(A) creating or expanding community technology centers; or

''(B) providing technical assistance and support to community technology centers.

''(2) PERIOD OF AWARD.—The Secretary may award grants, contracts, or cooperative agreements under this subpart for a period of not more than three years.

''SEC. 3232. ELIGIBILITY AND APPLICATION REQUIREMENTS.

''(a) ELIGIBLE APPLICANTS.—In order to be eligible to receive an award under this subpart, an applicant shall—

''(1) have the capacity to expand significantly access to computers and related services for disadvantaged residents of economically distressed urban and rural communities (who would otherwise be denied such access); and

''(2) be—

''(A) an entity such as a foundation, museum, library, for-profit business, public or private nonprofit organization, or community-based organization;

''(B) an institution of higher education;

''(C) a State educational agency;

''(D) a local education agency; or

''(E) a consortium of entities described in subparagraphs (A), (B), (C), or (D).

''(b) APPLICATION REQUIREMENTS.—In order to receive an award under this subpart, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. Such application shall include—

''(1) a description of the proposed project, including a description of the magnitude of the need for the services and how the project would expand access to information technology and related services to disadvantaged residents of an economically distressed urban or rural community;

''(2) a demonstration of—

''(A) the commitment, including the financial commitment, of entities such as institutions, organizations, business and other groups in the community that will provide support for the creation, expansion, and continuation of the proposed project; and

''(B) the extent to which the proposed project establishes linkages with other appropriate agencies, efforts, and organizations providing services to disadvantaged residents of an economically distressed urban or rural community;

''(3) a description of how the proposed project would be sustained once the Federal funds awarded under this subpart end; and

''(4) a plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

''(c) MATCHING REQUIREMENTS.—The Federal share of the cost of any project funded under this subpart shall not exceed 50 percent. The non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

''SEC. 3233. USES OF FUNDS.

''(a) REQUIRED USES.—A recipient shall use funds under this subpart for—

''(1) creating or expanding community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities; and

''(2) evaluating the effectiveness of the project.

''(b) PERMISSIBLE USES.—A recipient may use funds under this subpart for activities, described in its application, that carry out the purposes of this subpart, such as—

''(1) supporting a center coordinator, and staff, to supervise instruction and build community partnerships;

''(2) acquiring equipment, networking capabilities, and infrastructure to carry out the project; and

''(3) developing and providing services and activities for community residents that provide access to computers, information technology, and the use of such technology in support of pre-school preparation, academic achievement, lifelong learning, and workforce development, such as the following:

''(A) After-school activities in which children and youths use software that provides academic enrichment and assistance with homework, develop their technical skills, explore the Internet, and participate in multimedia activities, including web page design and creation.

''(B) Adult education and family literacy activities through technology and the Internet, including—

''(i) General Education Development, English as a Second Language, and adult basic education classes or programs;

''(ii) introduction to computers;

''(iii) intergenerational activities; and

''(iv) lifelong learning opportunities.

''(C) Career development and job preparation activities, such as—

''(i) training in basic and advanced computer skills;

''(ii) resume writing workshops; and

''(iii) access to databases of employment opportunities, career information, and other online materials.

''(D) Small business activities, such as—

''(i) computer-based training for basic entrepreneurial skills and electronic commerce; and

''(ii) access to information on business start-up programs that is available online, or from other sources.

''(E) Activities that provide home access to computers and technology, such as assistance and services to promote the acquisition, installation, and use of information technology in the home through low-cost solutions such as networked computers, web-based television devices, and other technology.

''SEC. 3234. AUTHORIZATION OF APPROPRIATIONS.

''For purposes of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.''.

PART C—READY-TO-LEARN TELEVISION

SEC. 331. READY-TO-LEARN TELEVISION.

Part C of title III (20 U.S.C. 6921 et seq.) is amended to read as follows:

''PART C—READY-TO-LEARN TELEVISION

''SEC. 3301. READY-TO-LEARN.

''(a) IN GENERAL.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible entities described in section 3302(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of America's Education Goals.

''(b) AVAILABILITY.—In making such grants, contracts, or cooperative agreements under subsection (a), the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, their parents, childcare workers, and Head Start providers to increase the effective use of such programming.

''SEC. 3302. EDUCATIONAL PROGRAMMING.

''(a) AWARDS.—The Secretary shall award grants, contracts, or cooperative agreements under section 3301 to eligible entities to—

''(1) facilitate the development directly, or through contracts with producers of children and family educational television programming, of—

''(A) educational programming for preschool and elementary school children; and

''(B) accompanying support materials and services that promote the effective use of such programming;

''(2) facilitate the development of programming and digital content especially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet, containing Ready to Learn-based children's programming and resources for parents and caregivers; and

''(3) enable eligible entities to contract with entities (such as public telecommunications entities and those funded under the Star Schools Act) so that programs developed under this section are disseminated and distributed—

''(A) to the widest possible audience appropriate to be served by the programming; and

''(B) by the most appropriate distribution technologies.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall be—

''(1) a public telecommunications entity that is able to demonstrate a capacity for the development and national distribution of educational and instructional television programming of high quality for preschool and elementary school children; and

''(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children.

''(c) CULTURAL EXPERIENCES.—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

''SEC. 3303. DUTIES OF SECRETARY.

''In carrying out this part, the Secretary may—

''(1) award grants, contracts, or cooperative agreements to eligible entities described in section 3302(b), local public television stations, or such public television stations that are part of a consortium with 1 or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

''(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

''(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

''(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness; and

''(D) developing and disseminating training materials, including—

''(i) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

''(ii) support materials to promote the effective use of materials developed under subparagraph (B) among parents, Head Start providers, in-home and center-based daycare providers, early childhood development personnel, elementary school teachers, public libraries, and after- school program personnel caring for preschool and elementary school children;

''(2) establish within the Department a clearinghouse to compile and provide information, referrals, and model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this part; and

''(3) coordinate activities assisted under this part with the Secretary of Health and Human Services in order to—

''(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

''(B) provide information to recipients of funds under Federal programs that have major training components for early childhood development, including programs under the Head Start Act and Even Start, and State training activities funded under the Child Care and Development Block Grant Act of 1990, regarding the availability and utilization of materials developed under paragraph (1)(D) to enhance parent and child care provider skills in early childhood development and education.

''SEC. 3304. APPLICATIONS.

''Each entity desiring a grant, contract, or cooperative agreement under section 3301 or 3303 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''SEC. 3305. REPORTS AND EVALUATION.

''(a) ANNUAL REPORT TO THE SECRETARY.—An eligible entity receiving funds under a grant, contract or cooperative agreement under section 3301 shall prepare and submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under such grant, contract or cooperative agreement, including—

''(1) the programming that has been developed directly or indirectly by the eligible entity, and the target population of the programs developed;

''(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

''(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

''(4) the initiatives undertaken by the eligible entity to develop public-private partnerships to secure non-Federal support for the development, distribution and broadcast of educational and instructional programming.

''(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report that shall include—

''(1) a summary of activities assisted under section 3302(a); and

''(2) a description of the training materials made available under section 3303(1)(D), the manner in which outreach has been conducted to inform parents and childcare providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

''SEC. 3306. ADMINISTRATIVE COSTS.

''With respect to the implementation of section 3302, eligible entities receiving a grant, contract, or cooperative agreement from the Secretary may use not more than 5 percent of the amounts received under such grant, contract, or cooperative agreement for the normal and customary expenses of administering the grant, contract, or cooperative agreement.

''SEC. 3307. DEFINITION.

''For the purposes of this part, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

''SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) FUNDING RULE.—Not less than 60 percent of the amounts appropriated under subsection (a) for each fiscal year shall be used to carry out section 3302.''.

PART D—SPECIAL PROJECTS; NEXT-GENERATION TECHNOLOGY INNOVATION AWARDS

SEC. 341. SPECIAL PROJECTS; NEXT-GENERATION TECHNOLOGY INNOVATION AWARDS.

Title III, as amended by section 321(b), is amended—

(1) by striking part E; and

(2) by inserting after part C the following:

"PART D—SPECIAL PROJECTS; NEXT-GENERATION TECHNOLOGY INNOVATION AWARDS

"SEC. 3401. PURPOSE; PROGRAM AUTHORITY.

''(a) PURPOSE.—It is the purpose of this part to—

''(1) expand the knowledge base about the use of the next generation of advanced computers and telecommunications in delivering new applications for teaching and learning;

''(2) address questions of national significance about the next generation of technology and its use to improve teaching and learning; and

''(3) develop, for wide-scale adoption by State educational agencies and local educational agencies, models of innovative and effective applications of technology to teaching and learning, such as high quality video, voice recognition devices, modeling and simulation software (particularly web-based software and intelligent tutoring), hand-held devices, and virtual reality and wireless technologies, that are aligned with challenging State academic content and student performance standards.

''(b) PROGRAM AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to carry out the purposes of this part.

''(2) PERIOD OF AWARD.—The Secretary may award grants, contracts, or cooperative agreements under this part for a period of not more than five years.

"SEC. 3402. ELIGIBILITY.

''(a) ELIGIBLE APPLICANTS.—In order to receive an award under this part, an applicant shall, subject to subsection (c)(1), be a consortium that includes—

''(1) at least one State educational agency or local educational agency; and

''(2) at least one institution of higher education, for-profit business, museum, library, or other public or private entity with a particular expertise that would assist in carrying out the purposes of this part.

''(b) APPLICATION REQUIREMENTS.—In order to receive an award under this part, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. Such application shall include—

''(1) a description of the proposed project, and how it would carry out the purposes of this part; and

''(2) a detailed plan for the independent evaluation of the project, which shall include benchmarks to monitor progress toward specific project objectives.

''(c) PRIORITIES.—In making awards under this part, the Secretary may establish one or more priorities consistent with the objectives of this part, including:

''(1) A priority for applicants, the members of which are one or more of the particular types described in subsection (a)(2).

''(2) A priority for projects that develop innovative models of effective use of educational technology, including the development of distance learning networks, software (including software deliverable through the Internet), and online-learning resources.

''(3) A priority for projects serving more than one State and involving large-scale innovations in the use of technology in education.

''(4) A priority for projects that develop innovative models that serve traditionally underserved populations, including low-income students, students with disabilities, and students with limited English proficiency.

''(5) A priority for projects in which applicants provide substantial financial and other resources to achieve the goals of the project.

''(6) A priority for projects that develop innovative models for using electronic networks to provide challenging courses, such as Advanced Placement courses.

"SEC. 3403. USES OF FUNDS.

''A recipient shall use funds awarded under this part to—

''(1) develop new applications of educational technologies and telecommunications to support school reform efforts, such as wireless and web-based telecommunications, hand-held devices, web-based learning resources, distributed learning environments (including distance learning networks), and the development of educational software and other applications; and

''(2) carry out other activities consistent with the purposes of this part, such as—

''(A) developing innovative models for improving teachers' ability to integrate technology effectively into course curriculum, through sustained and intensive, high-quality professional development;

''(B) developing high-quality, standards-based, digital content, including multimedia software, digital video, and web-based resources, such as—

''(i) new technological formats to facilitate deeper subject matter understanding in particularly challenging learning environments in areas such as physics, foreign language, or Advanced Placement courses;

''(ii) computer modeling, visualization, and simulation tools;

''(iii) new methods for assessing student performance;

''(iv) web-based and other distance learning curricula and related materials, such as interoperable software components;

''(v) learning-focused digital libraries, information retrieval systems, and other designs for supporting broad re-use of learning content; and

''(vi) software that supports the development, modification, and maintenance of educational materials;

''(C) using telecommunications, and other technologies, to make programs accessible to students with special needs (such as low-income students, students with disabilities, students in remote areas, and students with limited English proficiency) through such activities as using technology to support mentoring;

''(D) providing classroom and extra-curricular opportunities for female students to explore the different uses of technology;

''(E) promoting school-family partnerships, which may include services for adults and families, particularly parent education programs that provide parents with training, information, and support on how to help their children achieve to high academic standards;

''(F) acquiring connectivity linkages, resources, distance learning networks, and services, including hardware and software, as needed to accomplish the goals of the project; and

''(G) collaborating with other Department of Education and Federal information technology research and development programs.

"SEC. 3404. EVALUATION.

''The Secretary is authorized to—

''(1) develop tools and provide resources for recipients of funds under this part to evaluate their activities;

''(2) provide technical assistance to assist recipients of funds under this part in evaluating their projects;

''(3) conduct independent evaluations of the activities assisted under this part; and

''(4) disseminate findings and methodologies from evaluations of activities assisted under this part, or other information obtained from such projects that would promote the design, replication, or implementation of effective models for evaluating the impact of educational technology on teaching and learning.

"SEC. 3405. AUTHORIZATION OF APPROPRIATIONS.

''For purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.''.

PART E—PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY

SEC. 351. PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY.

Title III is further amended by adding at the end the following:

"PART E—PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY

"SEC. 3501. PURPOSE; PROGRAM AUTHORITY.

''(a) PURPOSE.—It is the purpose of this part to assist consortia of public and private entities in carrying out programs that prepare prospective teachers to use advanced technology to foster learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards.

''(b) PROGRAM AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to assist them in developing or redesigning teacher preparation programs to enable prospective teachers to use technology effectively in their classrooms.

''(2) PERIOD OF AWARD.—The Secretary may award grants, contracts, or cooperative agreements under this part for a period of not more than five years.

"SEC. 3502. ELIGIBILITY.

''(a) ELIGIBLE APPLICANTS.—In order to receive an award under this part, an applicant shall be a consortium that includes—

''(1) at least one institution of higher education that offers a baccalaureate degree and prepares teachers for their initial entry into teaching;

''(2) at least one State educational agency or local educational agency; and

''(3) one or more of the following entities:

''(A) An institution of higher education (other than the institution described in paragraph (1)).

''(B) A school or department of education at an institution of higher education.

''(C) A school or college of arts and sciences at an institution of higher education.

''(D) A private elementary or secondary school.

''(E) A professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity with the capacity to contribute to the technology-related reform of teacher preparation programs.

''(b) APPLICATION REQUIREMENTS.—In order to receive an award under this part, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. Such application shall include—

''(1) a description of the proposed project, including how the project would ensure that individuals participating in the project would be prepared to use technology to create learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards;

''(2) a demonstration of—

''(A) the commitment, including the financial commitment, of each of the members of the consortium; and

''(B) the active support of the leadership of each member of the consortium for the proposed project;

''(3) a description of how each member of the consortium would be included in project activities;

''(4) a description of how the proposed project would be continued once the Federal funds awarded under this part end; and

''(5) a plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

''(c) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—The Federal share of the cost of any project funded under this part shall not exceed 50 percent. Except as provided in paragraph (2), the non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

''(2) ACQUISITION OF EQUIPMENT.—Not more than 10 percent of the funds awarded for a project under this part may be used to acquire equipment, networking capabilities or infrastructure, and the non-Federal share of the cost of any such acquisition shall be in cash.

''SEC. 3503. USES OF FUNDS.

''(a) REQUIRED USES.—A recipient shall use funds under this part for—

''(1) creating programs that enable prospective teachers to use advanced technology to create learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards; and

''(2) evaluating the effectiveness of the project.

''(b) PERMISSIBLE USES.—A recipient may use funds under this part for activities, described in its application, that carry out the purposes of this part, such as—

''(1) developing and implementing high-quality teacher preparation programs that enable educators to—

''(A) learn the full range of resources that can be accessed through the use of technology;

''(B) integrate a variety of technologies into the classroom in order to expand students' knowledge;

''(C) evaluate educational technologies and their potential for use in instruction; and

''(D) help students develop their own technical skills and digital learning environments;

''(2) developing alternative teacher development paths that provide elementary and secondary schools with well-prepared, technology-proficient educators;

''(3) developing performance-based standards and aligned assessments to measure the capacity of prospective teachers to use technology effectively in their classrooms;

''(4) providing technical assistance to other teacher preparation programs;

''(5) developing and disseminating resources and information in order to assist institutions of higher education to prepare teachers to use technology effectively in their classrooms; and

''(6) subject to section 3502(c)(2), acquiring equipment, networking capabilities, and infrastructure to carry out the project.

''SEC. 3504. AUTHORIZATION OF APPROPRIATIONS.

''For purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.''.

PART F—REGIONAL, STATE, AND LOCAL EDUCATIONAL TECHNOLOGY RESOURCES

SEC. 361. REGIONAL, STATE, AND LOCAL EDUCATIONAL TECHNOLOGY RESOURCES.

Title III is further amended by adding at the end the following:

''PART F—REGIONAL, STATE, AND LOCAL EDUCATIONAL TECHNOLOGY RESOURCES

''Subpart 1—Technology Literacy Challenge Fund

''SEC. 3611. PURPOSE.

''It is the purpose of this subpart to increase the capacity of State and local educational agencies to improve student achievement, particularly that of students in high-poverty, low-performing schools, by supporting State and local efforts that—

''(1) make effective use of new technologies and technology applications, networks, and electronic learning resources;

''(2) utilize research-based teaching practices that are linked to advanced technologies; and

''(3) promote sustained and intensive, high-quality professional development that increases teacher capacity to create improved learning environments through the integration of educational technology into instruction.

''Subpart 2—One-Stop Shop for Technology Education

''SEC. 3621. ONE-STOP SHOP.

''The Office of Educational Technology shall be a one-stop shop for all technology education programs within the Department, provide schools and community groups with information with respect to technology education programs and related sources of funds, and serve as a clearinghouse with respect to information on public and private efforts to bring technology to areas underserved by technology.''.

TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

SEC. 401. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

''TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

''PART A—STATE GRANTS

''SEC. 4001. SHORT TITLE.

''This part may be cited as the 'Safe and Drug-Free Schools and Communities Act of 1994'.

''SEC. 4002. FINDINGS.

''Congress makes the following findings:

''(1) Every student should attend a school in a drug- and violence-free learning environment.

''(2) The widespread illegal use of alcohol and drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to such students' physical and mental well-being, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

''(3) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety, youth development, positive school outcomes, and to reduce the demand for and illegal use of alcohol, tobacco and drugs throughout the Nation. Schools, local organizations, parents, students, and communities throughout the Nation have a special responsibility to work together with young people to combat the continuing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

''(4) Drug and violence prevention programs are most effective when implemented within a research-based, drug and violence prevention framework of proven effectiveness.

''(5) Research clearly shows that community contexts contribute to substance abuse and violence.

''(6) Substance abuse and violence are intricately related and must be dealt with in a holistic manner.

''(7) Research has documented that parental behavior and environment directly influence a child's inclination to use alcohol, tobacco or drugs.

''SEC. 4003. PURPOSE.

''The purpose of this part is to support programs that prevent violence in and around schools and prevent the illegal use of alcohol, tobacco, and drugs, involve parents, and are coordinated with related Federal, State, school, and community efforts and resources, through the provision of Federal assistance to—

''(1) States for grants to local educational agencies and educational service agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools for the development and implementation of policies that set clear and appropriate standards regarding the illegal use of alcohol, tobacco and drugs, and for violent behavior (including intermediate and junior high schools);

''(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit agencies and organizations for programs of drug and violence prevention including community mobilization, early intervention, rehabilitation referral, and education;

''(3) States for development, training, technical assistance, and coordination activities; and

''(4) public and private nonprofit organizations to provide technical assistance, conduct training, demonstrations, and evaluation, and to provide supplementary services and community mobilization activities for the prevention of drug use and violence among students and youth.

''SEC. 4004. FUNDING.

''There are authorized to be appropriated—

''(1) $700,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years, for State grants under subpart 1;

''(2) $150,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years, for national programs under subpart 2 (other than activities described in section 4125)

''(3) $75,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years, for the National Coordinator Initiative under section 4122; and

''(4) $5,000,000 for each of fiscal years 2000 through 2002 to carry out section 4125.

''Subpart 1—State Grants for Drug and Violence Prevention Programs

''SEC. 4111. RESERVATIONS AND ALLOTMENTS.

''(a) RESERVATIONS.—From the amount made available under section 4004(1) to carry out this subpart for each fiscal year, the Secretary—

''(1) shall reserve 1 percent of such amount for grants under this subpart to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs;

''(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth;

''(3) may reserve not more than $2,000,000 for the national impact evaluation required by section 4117(a); and

''(4) shall reserve 0.2 percent of such amount for programs for Native Hawaiians under section 4118.

''(b) STATE ALLOTMENTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

''(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

''(B) one-half of such remainder according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

''(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

''(3) REALLOTMENT.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallotments shall be made on the same basis as allotments are made under paragraph (1).

''(4) DEFINITIONS.—In this subsection:

''(A) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(B) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' includes educational service agencies and consortia of such agencies.

''(c) LIMITATION.—Amounts appropriated under section 4004(2) for a fiscal year may not be increased above the amounts appropriated under such section for the previous fiscal year unless the amounts appropriated under section 4004(1) for the fiscal year involved are at least 10 percent greater that the amounts appropriated under such section 4004(1) for the previous fiscal year.

''SEC. 4112. STATE APPLICATIONS.

''(a) IN GENERAL.—In order to receive an allotment under section 4111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

''(1) contains a comprehensive plan for the use of funds by the State educational agency and the chief executive officer to provide safe, orderly, and drug-free schools and communities;

''(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities and the prevalence of risk or protective factors, buffers or assets or other research-based variables in the school and community;

''(3) contains assurances that the sections of the application concerning the funds provided to the chief executive officer and the State educational agency were developed together, with each such officer or State representative, in consultation and coordination with appropriate State officials and others, including the chief State school officer, the chief executive officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

''(4) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting a national impact evaluation of programs required by section 4117(a);

''(5) contains assurances that the State education agency and the Governor will develop their respective applications in consultation with an advisory council that includes, to the extent practicable, representatives from school districts, businesses, parents, youth, teachers, administrators, pupil services personnel, private schools, appropriate State agencies, community-based organization, the medical profession, law enforcement, the faith-based community and other groups with interest and expertise in alcohol, tobacco, drug, and violence prevention;

''(6) contains assurances that the State education agency and the Governor involve the representatives described in paragraph (5), on an ongoing basis, to review program evaluations and other relevant material and make recommendations to the State education agency and the Governor on how to improve their respective alcohol, tobacco, drug, and violence prevention programs;

''(7) contains a list of the State's results-based performance measures for drug and violence prevention, that shall—

''(A) be focused on student behavior and attitudes and be derived from the needs assessment;

''(B) include targets and due dates for the attainment of such performance measures; and

''(C) include a description of the procedures that the State will use to inform local educational agencies of such performance measures for assessing and publicly reporting progress toward meeting such measures or revising them as needed; and

''(8) includes any other information the Secretary may require.

''(b) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4113(a) by the State educational agency that includes—

''(1) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4116

''(2) a description of how the State educational agency will use funds under section 4113(b), including how the agency will receive input from parents regarding the use of such funds;

''(3) a description of how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies; and

''(4) a description of the procedures the State educational agency will use to review applications from and allocate funding to local educational agencies under section 4115 and how such review will receive input from parents.

''(c) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4114(a) by the chief executive officer that includes, with respect to each activity to be carried out by the State—

''(1) a description of how the chief executive officer will coordinate such officer's activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

''(2) a description of how funds reserved under section 4114(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

''(3) a description of how the chief executive officer will award funds under section 4114(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds;

''(4) a description of the special outreach activities that will be carried out to maximize the participation of community-based nonprofit organizations of demonstrated effectiveness which provide services in low-income communities;

''(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning and community mobilization activities; and

''(6) a specific description of how input from parents will be sought regarding the use of funds under section 4114(a).

''(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

''(e) INTERIM APPLICATION.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 2000 a 1-year interim application and plan for the use of funds under this subpart that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section. A State may not receive a grant under this subpart for a fiscal year subsequent to fiscal year 2000 unless the Secretary has approved such State's application and comprehensive plan in accordance with this subpart.

''SEC. 4113. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.

''(a) USE OF FUNDS.—An amount equal to 80 percent of the total amount allocated to a State under section 4111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

''(b) STATE LEVEL PROGRAMS.—

''(1) IN GENERAL.—A State educational agency shall use not more than 5 percent of the amount available under subsection (a) for activities such as—

''(A) voluntary training and technical assistance concerning drug and violence prevention for local educational agencies and educational service agencies, including teachers, administrators, coaches and athletic directors, other staff, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

''(B) the development, identification, dissemination, and evaluation of the most readily available, accurate, and up-to-date drug and violence prevention curriculum materials (including videotapes, software, and other technology-based learning resources), for consideration by local educational agencies;

''(C) making available to local educational agencies cost effective research-based programs for youth violence and drug abuse prevention;

''(D) demonstration projects in drug and violence prevention, including service-learning projects;

''(E) training, technical assistance, and demonstration projects to address violence associated with prejudice and intolerance;

''(F) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of

economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this subpart; and

''(G) the evaluation of activities carried out within the State under this part.

''(2) SPECIAL RULE.—A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

''(c) STATE ADMINISTRATION.—

''(1) IN GENERAL.—A State educational agency may use not more than 5 percent of the amount reserved under subsection (a) for the administrative costs of carrying out its responsibilities under this part.

''(2) UNIFORM MANAGEMENT INFORMATION AND REPORTING SYSTEM.—In carrying out its responsibilities under this part, a State shall implement a uniform management information and reporting system that includes information on the types of curricula, programs and services provided by the State, Governor, local education agencies, and other recipients of funds under this title.

''(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—

''(1) IN GENERAL.—A State educational agency shall distribute not less than 91 percent of the amount made available under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

''(2) DISTRIBUTION.—A State educational agency shall distribute amounts under paragraph (1) in accordance with any one of the following subparagraphs:

''(A) ENROLLMENT AND COMBINATION APPROACH.—Of the amount distributed under paragraph (1), a State educational agency shall distribute

''(i) at least 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

''(ii) not to exceed 30 percent of any amounts remaining after amounts are distributed under clause (i)—

''(I) to each local educational agency in an amount determined appropriate by the State education agency; or

''(II) to local educational agencies that the State education agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this subpart.

''(B) COMPETITIVE AND NEED APPROACH.—Of the amount distributed under paragraph (1), a State educational agency shall distribute

''(i) not to exceed 70 percent of such amount to local educational agencies that the State agency determines, through a competitive process, have the greatest need for funds to carry out drug and violence prevention programs based on criteria established by the State agency and authorized under this subpart; and

''(ii) at least 30 percent of any amounts remaining after amounts are distributed under clause (i) to local education agencies that the State agency determines have a need for additional funds to carry out the program authorized under this subpart.

''(3) CONSIDERATION OF OBJECTIVE DATA.—For purposes of paragraph (2), in determining which local educational agencies have the greatest need for funds, the State educational agency shall consider objective data which may include—

''(A) high or increasing rates of alcohol or drug use among youth;

''(B) high or increasing rates of victimization of youth by violence and crime;

''(C) high or increasing rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

''(D) the extent of illegal gang activity;

''(E) high or increasing incidence of violence associated with prejudice and intolerance;

''(F) high or increasing rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

''(G) high or increasing rates of referrals of youths to juvenile court;

''(H) high or increasing rates of expulsions and suspensions of students from schools;

''(I) high or increasing rates of reported cases of child abuse and domestic violence;

''(J) high or increasing rates of drug related emergencies or deaths; and

''(K) high rates of reported incidences of sexual harassment and abuse.''.

''(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under subsection (d), or if such agency's application under section 4115 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of its other local educational agencies.

''(f) RETURN OF FUNDS TO STATE EDUCATIONAL AGENCY; REALLOCATION.—

''(1) RETURN.—Except as provided in paragraph (2), upon the expiration of the 1-year period beginning on the date that a local educational agency or educational service agency under this title receives its allocation under this title—

''(A) such agency shall return to the State educational agency any funds from such allocation that remain unobligated; and

''(B) the State educational agency shall reallocate any such amount to local educational agencies or educational service agencies that have plans for using such amount for programs or activities on a timely basis.

''(2) REALLOCATION.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

''(A) an amount equal to not more than 25 percent of the allocation it receives under this title for such fiscal year; or

''(B) upon a demonstration of good cause by such agency or consortium, a greater amount approved by the State educational agency.

''SEC. 4114. GOVERNOR'S PROGRAMS.

''(a) USE OF FUNDS.—

''(1) IN GENERAL.—An amount equal to 20 percent of the total amount allocated to a State under section 4111(b)(1) for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

''(2) ADMINISTRATIVE COSTS.—A chief executive officer may use not more than 5 percent of the 20 percent described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section. The chief executive officer of a State may use amounts under this paragraph to award grants to State, county, or local law enforcement agencies, including district attorneys, in consultation with local education agencies or community-based agencies, for the purposes of carrying out drug abuse and violence prevention activities.

''(b) STATE PLAN.—Amounts shall be used under this section in accordance with a State plan submitted by the chief executive office of the State. Such State plan shall contain—

''(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend schools in the State (including private school students who participate in the States's drug and violence prevention programs) that is based on ongoing local assessment or evaluation activities;

''(2) an analysis, based on data reasonably available at the time, of the prevalence of risk or protective factors, buffers or assets or other research-based variables in schools and communities in the State;

''(3) a description of the research-based strategies and programs, which shall be used to prevent or reduce drug use, violence, or disruptive behavior, which shall include—

''(A) a specification of the objectively measurable goals, objectives, and activities for the program;

''(B) a specification for how risk factors, if any, which have been identified will be targeted through research-based programs; and

''(C) a specification for how protective factors, buffers, or assets, if any, will be targeted through research-based programs;

''(4) a specification for the method or methods by which measurements of program goals will be achieved; and

''(5) a specification for how the evaluation of the effectiveness of the prevention program will be assessed and how the results will be used to refine, improve, and strengthen the program.

''(c) PROGRAMS AUTHORIZED.—

''(1) IN GENERAL.—A chief executive officer shall use funds made available under subsection (a)(1) directly for grants to or contracts with parent groups, student-led groups, schools, community action and job training agencies, community-based organizations, community anti-drug coalitions, law enforcement education partnerships, and other public entities and private nonprofit organizations and consortia thereof. In making such grants and contracts, a chief executive officer shall give priority to programs and activities described in subsection (d) for—

''(A) children and youth who are not normally served by State or local educational agencies; or

''(B) populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

''(2) PEER REVIEW.—Grants or contracts awarded under this subsection shall be subject to a peer review process.

''(d) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (c) shall be used to carry out the comprehensive State plan as required under section 4112(a)(1) through programs and activities such as—

''(1) disseminating information about drug and violence prevention;

''(2) the voluntary training of parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, health education (as it relates to drug and violence prevention), early intervention, pupil services, or rehabilitation referral;

''(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training and placement, law enforcement, health, mental health, community service, service-learning, mentoring, and other appropriate services;

''(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with efforts of the State educational agency and its local educational agencies;

''(5) activities to protect students traveling to and from school;

''(6) before-and-after school recreational, instructional, cultural, and artistic programs that encourage drug- and violence-free lifestyles;

''(7) activities that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

''(8) developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

''(9) developing and implementing strategies to prevent illegal gang activity;

''(10) coordinating and conducting school and community-wide violence and safety and drug abuse assessments and surveys;

''(11) service-learning projects that encourage drug- and violence-free lifestyles;

''(12) evaluating programs and activities assisted under this section;

''(13) developing and implementing community mobilization activities to undertake environmental change strategies related to substance abuse and violence;

''(14) partnerships between local law enforcement agencies, including district attorneys, and local education agencies or community-based agencies; and

''(15) developing and implementing strategies and programs to greatly reduce the incidence of sexual harassment and abuse and to encourage positive and respectful interactions between girls and boys.''.

''SEC. 4115. LOCAL APPLICATIONS.

''(a) APPLICATION REQUIRED.—

''(1) IN GENERAL.—In order to be eligible to receive a distribution under section 4113(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

''(2) DEVELOPMENT.—

''(A) CONSULTATION.—A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

''(B) DUTIES OF ADVISORY COUNCIL.—In addition to assisting the local educational agency to develop an application under this section, the advisory council established or designated under subparagraph (A) shall, on an ongoing basis—

''(i) disseminate information about research-based drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

''(ii) advise the local educational agency regarding how best to coordinate such agency's activities under this subpart with other related programs, projects, and activities;

''(iii) ensure that a mechanism is in place to enable local educational agencies to have access to up-to-date information concerning the agencies that administer related programs, projects, and activities and any changes in the law that alter the duties of the local educational agencies with respect to activities conducted under this subpart; and

''(iv) review program evaluations and other relevant material and make recommendations on an active and ongoing basis to the local educational agency on how to improve such agency's drug and violence prevention programs.

''(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

''(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

''(2) an analysis, based on data reasonably available at the time, of the prevalence of risk or protective factors, buffers or assets or other research-based variables in the school and community;

''(3) a description of the research-based strategies and programs, which shall be used to prevent or reduce drug use, violence, or disruptive behavior, which shall include—

''(A) a specification of the objectively measurable goals, objectives, and activities for the program, which shall include—

''(i) reductions in the use of alcohol, tobacco, and illicit drugs and violence by youth;

''(ii) specific reductions in the prevalence of identified risk factors;

''(iii) specific increases in the prevalence of protective factors, buffers, or assets if any have been identified; or

''(iv) other research-based goals, objectives, and activities that are identified as part of the application that are not otherwise covered under clauses (i) through (iii);

''(B) a specification for how risk factors, if any, which have been identified will be targeted through research-based programs; and

''(C) a specification for how protective factors, buffers, or assets, if any, will be targeted through research-based programs;

''(4) a specification for the method or methods by which measurements of program goals will be achieved;

''(5) a specification for how the evaluation of the effectiveness of the prevention program will be assessed and how the results will be used to refine, improve, and strengthen the program;

''(6) an assurance that the applicant has, or the schools to be served have, a plan for keeping schools safe and drug-free that includes—

''(A) appropriate and effective discipline policies that prohibit disorderly conduct, the possession of firearms and other weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;

''(B) security procedures at school and while students are on the way to and from school;

''(C) prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments; and

''(D) a crisis management plan for responding to violent or traumatic incidents on school grounds; and

''(7) such other information and assurances as the State educational agency may reasonably require.

''(c) REVIEW OF APPLICATION.—

''(1) IN GENERAL.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

''(2) CONSIDERATIONS.—

''(A) IN GENERAL.—In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(6) and the extent to which the proposed plan provides a thorough assessment of the substance abuse and violence problem, uses objective data and the knowledge of a wide range of community members, develops measurable goals and objectives, and implements research-based programs that have been shown to be effective and meet identified needs.

''(B) DISAPPROVAL.—A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds allotted to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part, except that a local educational agency shall be afforded an opportunity to appeal any such disapproval.

''SEC. 4116. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

''(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this subpart to adopt and carry out a comprehensive drug and violence prevention program which shall—

''(1) be designed, for all students and school employees, to—

''(A) prevent the use, possession, and distribution of tobacco, alcohol, and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by school employees;

''(B) prevent violence and promote school safety;

''(C) create a disciplined environment conducive to learning; and

''(D) greatly reduce the incidence of sexual harassment and abuse;

''(2) include activities to promote the involvement of parents and students and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs, goals, and programs under this subpart;

''(3) implement activities which shall only include—

''(A) a thorough assessment of the substance abuse violence problem, using objective data and the knowledge of a wide range of community members;

''(B) the development of measurable goals and objectives;

''(C) the implementation of research-based programs that have been shown to be effective and meet identified goals; and

''(D) an evaluation of program activities; and

''(4) implement prevention programming activities within the context of a research-based prevention framework.

''(b) USE OF FUNDS.—A comprehensive, age-appropriate, developmentally-, and research-based drug and violence prevention program carried out under this subpart may include—

''(1) drug or violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs or violence, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

''(2) programs of drug or violence prevention, health education (as it relates to drug and violence prevention), early intervention, pupil services, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

''(A) the dissemination of information about drug or violence prevention;

''(B) the professional development or voluntary training of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education,

early intervention, pupil services or rehabilitation referral; and

''(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and drug use, such as—

''(i) family counseling; and

''(ii) activities, such as community service and service-learning projects, that are designed to increase students' sense of community;

''(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence, or otherwise decrease the prevalence of risk factors or increase the prevalence of protective factors, buffers, or assets in the community;

''(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

''(A) the dissemination of information about school safety and discipline;

''(B) the professional development or voluntary training of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

''(C) the implementation of strategies, such as conflict resolution and peer mediation, student outreach efforts against violence, anti-crime youth councils (which work with school and community-based organizations to discuss and develop crime prevention strategies), and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment and abuse; and

''(D) the development and implementation of character education programs, as a component of a comprehensive drug or violence prevention program, that are tailored by communities, parents and schools; and

''(E) comprehensive, community-wide strategies to prevent or reduce illegal gang activities and drug use;

''(5) supporting 'safe zones of passage' for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols;

''(6) the acquisition or hiring of school security equipment, technologies, personnel, or services such as—

''(A) metal detectors;

''(B) electronic locks;

''(C) surveillance cameras; and

''(D) other drug and violence prevention-related equipment and technologies;

''(7) professional development for teachers and other staff and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

''(8) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings;

''(9) other research-based prevention programming that is—

''(A) effective in reducing the prevalence of alcohol, tobacco or drug use, and violence in youth;

''(B) effective in reducing the prevalence of risk factors predictive of increased alcohol, tobacco or drug use, and violence; or

''(C) effective in increasing the prevalence of protective factors, buffers, and assets predictive of decreased alcohol, tobacco or drug use and violence among youth;

''(10) the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives;

''(11) community involvement activities including community mobilization;

''(12) voluntary parental involvement and training;

''(13) the evaluation of any of the activities authorized under this subsection;

''(14) the provision of mental health counseling (by qualified counselors) to students for drug or violence related problems;

''(15) consistent with the fourth amendment to the Constitution of the United States, the testing of a student for illegal drug use or inspecting a student's locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and

''(16) the conduct of a nationwide background check of each local educational agency employee (regardless of when hired) and prospective employees for the purpose of determining whether the employee or prospective employee has been convicted of a crime that bears upon the employee's or prospective employee's fitness—

''(A) to have responsibility for the safety or well-being of children;

''(B) to serve in the particular capacity in which the employee or prospective employee is or will be employed; or

''(C) to otherwise be employed at all by the local educational agency.

''(c) LIMITATIONS.—

''(1) IN GENERAL.—Not more than 20 percent of the funds made available to a local educational agency under this subpart may be used to carry out the activities described in paragraphs (5) and (6) of subsection (b).

''(2) SPECIAL RULE.—A local educational agency shall only be able to use funds received under this subpart for activities described in paragraphs (5) and (6) of subsection (b) if funding for such activities is not received from other Federal agencies.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of funds under this part by any local educational agency or school for the establishment or implementation of a school uniform policy so long as such policy is part of the overall comprehensive drug and violence prevention plan of the State involved and is supported by the State's needs assessment and other research-based information.

''SEC. 4117. EVALUATION AND REPORTING.

''(a) IMPACT EVALUATION.—

''(1) BIENNIAL EVALUATION.—The Secretary, in consultation with the National Advisory Committee, shall conduct an independent biennial evaluation of the impact of programs assisted under this subpart and of other recent and new initiatives to combat violence in schools. The evaluation shall report on—

''(A) whether funded community and local education agency programs—

''(i) provided a thorough assessment of the substance abuse and violence problem;

''(ii) used objective data and the knowledge of a wide range of community members;

''(iii) developed measurable goals and objectives; and

''(iv) implemented research-based programs that have been shown to be effective and meet identified needs;

''(v) conducted periodic program evaluations to assess progress made towards achieving program goals and objectives and whether they used evaluations to improve program goals, objectives and activities;

''(B) whether funded community and local education agency programs have been designed and implemented in a manner that specifically targets, if relevant to the program—

''(i) research-based variables that are predictive of drug use or violence;

''(ii) risk factors that are predictive of an increased likelihood that young people will use drugs, alcohol or tobacco or engage in violence or drop out of school; or

''(iii) protective factors, buffers, or assets that are known to protect children and youth from exposure to risk, either by reducing the exposure to risk factors or by changing the way the young person responds to risk, and to increase the likelihood of positive youth development;

''(C) whether funded community and local education agency programs have appreciably reduced the level of drug, alcohol and tobacco use and school violence and the presence of firearms at schools; and

''(D) whether funded community and local educational agency programs have conducted effective parent involvement and voluntary training programs.

''(2) DATA COLLECTION.—The National Center for Education Statistics shall collect data to determine the incidence and prevalence of social disapproval of drug use and violence, including sexual harassment and abuse, in elementary and secondary schools in the States.

''(3) BIENNIAL REPORT.—Not later than January 1, 2002, and every 2 years thereafter, the Secretary shall submit to the President and Congress a report on the findings of the evaluation conducted under paragraph (1) together with the data collected under paragraph (2) and data available from other sources on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use in elementary and secondary schools in the States. The Secretary shall include data submitted by the States pursuant to subsection (b)(2)(B).

''(b) STATE REPORT.—

''(1) IN GENERAL.—By December 1, 2001, and every 2 years thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

''(A) on the implementation and outcomes of State programs under section 4114 and section 4113(b) and local educational agency programs under section 4113(d), as well as an assessment of their effectiveness;

''(B) on the State's progress toward attaining its goals for drug and violence prevention under subsections (b)(1) and (c)(1) of section 4112; and

''(C) on the State's efforts to inform parents of, and include parents in, violence and drug prevention efforts.

''(2) SPECIAL RULE.—The report required by this subsection shall be—

''(A) in the form specified by the Secretary;

''(B) based on the State's ongoing evaluation activities, and shall include data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities; and

''(C) made readily available to the public.

''(c) LOCAL EDUCATIONAL AGENCY REPORT.—

''(1) IN GENERAL.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information that the State requires to complete the State report required by subsection (b), including a description of how

parents were informed of, and participated in, violence and drug prevention efforts.

''(2) AVAILABILITY.—Information under paragraph (1) shall be made readily available to the public.

''(3) PROVISION OF DOCUMENTATION.—Not later than January 1 of each year that a State is required to report under subsection (b), the Secretary shall provide to the State education agency all of the necessary documentation required for compliance with this section.

''SEC. 4118. PROGRAMS FOR NATIVE HAWAIIANS.

''(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 4111(a)(4) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Native Hawaiians which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this title for the benefit of Native Hawaiians.

''(b) DEFINITION OF NATIVE HAWAIIAN.—For the purposes of this section, the term 'Native Hawaiian' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

''Subpart 2—National Programs

''SEC. 4121. FEDERAL ACTIVITIES.

''(a) PROGRAM AUTHORIZED.—From funds made available to carry out this subpart under section 4004(2), the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels from preschool through the post-secondary level. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private nonprofit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

''(1) the development and demonstration of innovative strategies for the voluntary training of school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

''(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

''(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act;

''(4) the development of curricula related to child abuse prevention and education and the training of personnel to teach child abuse education and prevention to elementary and secondary schoolchildren;

''(5) program evaluations in accordance with section 10201 that address issues not addressed under section 4117(a);

''(6) direct services to schools and school systems afflicted with especially severe drug and violence problems or to support crisis situations and appropriate response efforts;

''(7) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

''(8) developing and disseminating drug and violence prevention materials, including video-based projects and model curricula;

''(9) developing and implementing a comprehensive violence prevention strategy for schools and communities, that may include conflict resolution, peer mediation, the teaching of law and legal concepts, and other activities designed to stop violence;

''(10) the implementation of innovative activities, such as community service and service-learning projects, designed to rebuild safe and healthy neighborhoods and increase students' sense of individual responsibility;

''(11) grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking;

''(12) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes; and

''(13) other activities that meet unmet national needs related to the purposes of this title.

''(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

''SEC. 4122. NATIONAL COORDINATOR PROGRAM.

''(a) IN GENERAL.—From amounts available to carry out this section under section 4004(3), the Secretary shall provide for the establishment of a National Coordinator Program under which the Secretary shall award grants to local education agencies for the hiring of drug prevention and school safety program coordinators.

''(b) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used by local education agencies to recruit, hire, and train individuals to serve as drug prevention and school safety program coordinators in schools with significant drug and school safety problems. Such coordinators shall be responsible for developing, conducting, and analyzing assessments of drug and crime problems at their schools, and administering the safe and drug free grant program at such schools.

''SEC. 4123. SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is hereby established an advisory committee to be known as the 'Safe and Drug Free Schools and Communities Advisory Committee' (referred to in this section as the 'Advisory Committee') to—

''(A) consult with the Secretary under subsection (b);

''(B) coordinate Federal school- and community-based substance abuse and violence prevention programs and reduce duplicative research or services;

''(C) develop core data sets and evaluation protocols for safe and drug free school- and community-based programs;

''(D) provide technical assistance and training for safe and drug free school- and community-based programs;

''(E) provide for the diffusion of research-based safe and drug free school- and community-based programs; and

''(F) review other regulations and standards developed under this title.

''(2) COMPOSITION.—The Advisory Committee shall be composed of representatives from—

''(A) the Department of Education,

''(B) the Centers for Disease Control and Prevention;

''(C) the National Institute on Drug Abuse;

''(D) the National Institute on Alcoholism and Alcohol Abuse;

''(E) the Center for Substance Abuse Prevention;

''(F) the Center for Mental Health Services;

''(G) the Office of Juvenile Justice and Delinquency Prevention;

''(H) the Office of National Drug Control Policy; and

''(I) State and local governments, including education agencies.

''(3) CONSULTATION.—In carrying out its duties under this section, the Advisory Committee shall annually consult with interested State and local coordinators of school- and community-based substance abuse and violence prevention programs and other interested groups.

''(b) PROGRAMS.—

''(1) IN GENERAL.—From amounts made available under section 4004(2) to carry out this subpart, the Secretary, in consultation with the Advisory Committee, shall carry out research-based programs to strengthen the accountability and effectiveness of the State, Governor's, and national programs under this title.

''(2) GRANTS, CONTRACTS OR COOPERATIVE AGREEMENTS.—The Secretary shall carry out paragraph (1) directly or through grants, contracts, or cooperative agreements with public and nonprofit private organizations and individuals or through agreements with other Federal agencies.

''(3) COORDINATION.—The Secretary shall coordinate programs under this section with other appropriate Federal activities.

''(4) ACTIVITIES.—Activities that may be carried out under programs funded under this section may include—

''(A) the provision of technical assistance and training, in collaboration with other Federal agencies utilizing their expertise and national and regional training systems, for Governors, State education agencies and local education agencies to support high quality, effective programs that—

''(i) provide a thorough assessment of the substance abuse and violence problem;

''(ii) utilize objective data and the knowledge of a wide range of community members;

''(iii) develop measurable goals and objectives; and

''(iv) implement research-based activities that have been shown to be effective and that meet identified needs;

''(B) the provision of technical assistance and training to foster program accountability;

''(C) the diffusion and dissemination of best practices and programs;

''(D) the development of core data sets and evaluation tools;

''(E) program evaluations;

''(F) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the Clearinghouse for Alcohol and Drug Abuse Information established under section 501(d)(16) of the Public Health Service Act; and

''(G) other activities that meet unmet needs related to the purposes of this title and that are undertaken in consultation with the Advisory Committee.

''SEC. 4124. HATE CRIME PREVENTION.

''(a) GRANT AUTHORIZATION.—From funds made available to carry out this subpart under section 4004(2) the Secretary may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

''(b) USE OF FUNDS.—

''(1) PROGRAM DEVELOPMENT.—Grants under this section may be used to improve elementary and secondary educational efforts, including—

''(A) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;

''(B) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;

''(C) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and

''(D) professional training and development for teachers, administrators, families, and students on the causes, effects, and resolutions of hate crimes or hate-based conflicts.

''(2) IN GENERAL.—In order to be eligible to receive a grant under this section for any fiscal year, a local educational agency, or a local educational agency in conjunction with a community-based organization, shall submit an application to the Secretary in such form and containing such information as the office may reasonably require.

''(3) REQUIREMENTS.—Each application under paragraph (2) shall include—

''(A) a request for funds for the purposes described in this section;

''(B) a description of the schools and communities to be served by the grants; and

''(C) assurances that Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds.

''(4) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

''(A) a description of the hate crime or conflict problems within the schools or the community targeted for assistance;

''(B) a description of the program to be developed or augmented by such Federal and matching funds;

''(C) assurances that such program or activity shall be administered by or under the supervision of the applicant;

''(D) proper and efficient administration of such program; and

''(E) fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

''(c) AWARD OF GRANTS.—

''(1) SELECTION OF RECIPIENTS.—The Secretary shall consider the incidence of crimes and conflicts motivated by bias in the targeted schools and communities in awarding grants under this section.

''(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

''(3) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent practicable, to make available information regarding successful hate crime prevention programs, including programs established or expanded with grants under this section.

''(d) REPORTS.—The Secretary shall submit to the Congress a report every two years which shall contain a detailed statement regarding grants and awards, activities of grant recipients, and an evaluation of programs established under this section.

''SEC. 4125. GRANTS TO COMBAT THE IMPACT OF EXPERIENCING OR WITNESSING DOMESTIC VIOLENCE ON ELEMENTARY AND SECONDARY SCHOOL CHILDREN.

''(a) GRANTS AUTHORIZED.—

''(1) AUTHORITY.—The Secretary is authorized to award grants and contracts to elementary schools and secondary schools that work with experts to enable the elementary schools and secondary schools—

''(A) to provide training to school administrators, faculty, and staff, with respect to issues concerning children experiencing domestic violence in dating relationships and witnessing domestic violence, and the impact of the violence described in this subparagraph on children;

''(B) to provide educational programming to students regarding domestic violence and the impact of experiencing or witnessing domestic violence on children;

''(C) to provide support services for students and school personnel for the purpose of developing and strengthening effective prevention and intervention strategies with respect to issues concerning children experiencing domestic violence in dating relationships and witnessing domestic violence, and the impact of the violence described in this subparagraph on children; and

''(D) to develop and implement school system policies regarding identification and referral procedures for students who are experiencing or witnessing domestic violence.

''(2) AWARD BASIS.—The Secretary shall award grants and contracts under this section—

''(A) on a competitive basis; and

''(B) in a manner that ensures that such grants and contracts are equitably distributed throughout a State among elementary schools and secondary schools located in rural, urban, and suburban areas in the State.

''(3) POLICY DISSEMINATION.—The Secretary shall disseminate to elementary schools and secondary schools any Department of Education policy guidance regarding the prevention of domestic violence and the impact of experiencing or witnessing domestic violence on children.

''(b) USES OF FUNDS.—Funds provided under this section may be used for the following purposes:

''(1) To provide training for elementary school and secondary school administrators, faculty, and staff that addresses issues concerning elementary school and secondary school students who experience domestic violence in dating relationships or witness domestic violence, and the impact of such violence on the students.

''(2) To provide education programs for elementary school and secondary school students that are developmentally appropriate for the students' grade levels and are designed to meet any unique cultural and language needs of the particular student populations.

''(3) To develop and implement elementary school and secondary school system policies regarding identification and referral procedures for students who are experiencing or witnessing domestic violence.

''(4) To provide the necessary human resources to respond to the needs of elementary school and secondary school students and personnel who are faced with the issue of domestic violence, such as a resource person who is either on-site or on-call, and who is an expert.

''(5) To provide media center materials and educational materials to elementary schools and secondary schools that address issues concerning children who experience domestic violence in dating relationships and witness domestic violence, and the impact of the violence described in this paragraph on the children.

''(6) To conduct evaluations to assess the impact of programs assisted under this section in order to enhance the development of the programs.

''(c) CONFIDENTIALITY.—Policies, programs, training materials, and evaluations developed and implemented under subsection (b) shall address issues of victim safety and confidentiality in a manner consistent with applicable Federal and State laws.

''(d) APPLICATION.—

''(1) IN GENERAL.—To be eligible to be awarded a grant or contract under this section for any fiscal year, an elementary school or secondary school, in consultation with an expert, shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall—

''(A) describe the need for funds provided under the grant or contract and the plan for implementation of any of the activities described in subsection (b);

''(B) describe how the experts shall work in consultation and collaboration with the elementary school or secondary school; and

''(C) provide measurable goals for and expected results from the use of the funds provided under the grant or contract.

''(e) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

''(f) DEFINITIONS.—In this section:

''(1) DOMESTIC VIOLENCE.—The term 'domestic violence' means an act or threat of violence, not including an act of self defense, committed by—

''(A) a current or former spouse of the victim;

''(B) a person with whom the victim shares a child in common;

''(C) a person who is cohabiting with or has cohabited with the victim;

''(D) a person who is or has been in a social relationship of a romantic or intimate nature with the victim;

''(E) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction of the victim; or

''(F) any other person against a victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction.

''(2) EXPERTS.—The term 'experts' means—

''(A) experts on domestic violence from the educational, legal, youth, mental health, substance abuse, and victim advocacy fields; and

''(B) State and local domestic violence coalitions and community-based youth organizations.

''(3) WITNESS DOMESTIC VIOLENCE.—

''(A) IN GENERAL.—The term 'witness domestic violence' means to witness—

''(i) an act of domestic violence that constitutes actual or attempted physical assault; or

''(ii) a threat or other action that places the victim in fear of domestic violence.

''(B) WITNESS.—In subparagraph (A), the term 'witness' means to—

''(i) directly observe an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action; or

''(ii) be within earshot of an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action.

''SEC. 4126. SEXUAL HARASSMENT PREVENTION TRAINING GRANTS.

''(a) SHORT TITLE.—This section may be cited as the 'Sexual Harassment Prevention Training Grants Act'.

''(b) STATEMENT OF PURPOSES.—It is the purpose of this section to—

''(1) train teachers and administrators in identifying and preventing sexual harassment; and

''(2) reduce the incidence of sexual harassment in elementary schools and secondary schools.

''(c) PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—

''(1) PROGRAM AUTHORITY.—The Secretary is authorized to carry out a program of awarding grants to eligible entities to enable such entities to train teachers and administrators in identifying and preventing sexual

harassment. A grant recipient shall be responsible for—

''(A) determining the type of training to be offered with respect to identifying and preventing sexual harassment; and

''(B) defining the term sexual harassment.

''(2) ELIGIBLE ENTITY.—The Secretary is authorized to award grants under this section to State educational agencies, local educational agencies, or other private and public agencies and organizations for the planning, developing, or carrying out the activities described in paragraph (1).

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

''Subpart 3—General Provisions

''SEC. 4131. DEFINITIONS.

''In this part:

''(1) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community.

''(2) DRUG AND VIOLENCE PREVENTION.—The term 'drug and violence prevention' means—

''(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids;

''(B) prevention, early intervention, smoking cessation activities, or education, related to the use of tobacco by children and youth eligible for services under this title; and

''(C) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

''(3) HATE CRIME.—The term 'hate crime' means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

''(4) NONPROFIT.—The term 'nonprofit', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

''(5) OBJECTIVELY MEASURABLE GOALS.—The term 'objectively measurable goals' means prevention programming goals defined through use of quantitative epidemiological data measuring the prevalence of alcohol, tobacco, and other drug use, violence, and the prevalence of risk and protective factors predictive of these behaviors, collected through a variety of methods and sources known to provide high quality data.

''(6) PROTECTIVE FACTOR, BUFFER, OR ASSET.—The terms 'protective factor', 'buffer', and 'asset' mean any one of a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, or which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illicit drug use, as well as violent behavior, by youth in the community, and which promote positive youth development.

''(7) RISK FACTOR.—The term 'risk factor' means any one of a number of characteristics of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of alcohol, tobacco, and illicit drug use, as well as violent behavior, by youth in the school and community.

''(8) SCHOOL-AGED POPULATION.—The term 'school-aged population' means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

''(9) SCHOOL PERSONNEL.—The term 'school personnel' includes teachers, administrators, counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

''SEC. 4132. MATERIALS.

''(a) 'ILLEGAL AND HARMFUL' MESSAGE.—Drug prevention programs supported under this part shall convey a clear and consistent message that the illegal use of alcohol and other drugs is illegal and harmful.

''(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

''SEC. 4133. PROHIBITED USES OF FUNDS.

''No funds under this part may be used for—

''(1) construction (except for minor remodeling needed to accomplish the purposes of this part); and

''(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of or witnesses to crime or who use alcohol, tobacco, or drugs.

''SEC. 4134. QUALITY RATING.

''(a) IN GENERAL.—The chief executive officer of each State, or in the case of a State in which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for education activities, such individual, entity, or agency, is authorized and encouraged—

''(1) to establish a standard of quality for drug, alcohol, and tobacco prevention programs implemented in public elementary schools and secondary schools in the State in accordance with subsection (b); and

''(2) to identify and designate, upon application by a public elementary school or secondary school, any such school that achieves such standard as a quality program school.

''(b) CRITERIA.—The standard referred to in subsection (a) shall address, at a minimum—

''(1) a comparison of the rate of illegal use of drugs, alcohol, and tobacco by students enrolled in the school for a period of time to be determined by the chief executive officer of the State;

''(2) the rate of suspensions or expulsions of students enrolled in the school for drug, alcohol, or tobacco-related offenses;

''(3) the effectiveness of the drug, alcohol, or tobacco prevention program as proven by research;

''(4) the involvement of parents and community members in the design of the drug, alcohol, and tobacco prevention program; and

''(5) the extent of review of existing community drug, alcohol, and tobacco prevention programs before implementation of the public school program.

''(c) REQUEST FOR QUALITY PROGRAM SCHOOL DESIGNATION.—A school that wishes to receive a quality program school designation shall submit a request and documentation of compliance with this section to the chief executive officer of the State or the individual, entity, or agency described in subsection (a), as the case may be.

''(d) PUBLIC NOTIFICATION.—Not less than once a year, the chief executive officer of each State or the individual, entity, or agency described in subsection (a), as the case may be, shall make available to the public a list of the names of each public school in the State that has received a quality program school designation in accordance with this section.''.

SEC. 402. GUN-FREE REQUIREMENTS.

Title IV (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

''PART B—GUN POSSESSION

''SEC. 4201. GUN-FREE REQUIREMENTS.

''(a) SHORT TITLE.—This part may be cited as the ''Gun-Free Schools Act of 1994''.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—Each State receiving Federal funds under this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis.

''(2) CONSTRUCTION.—Nothing in this part shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

''(3) DEFINITION.—For the purpose of this section, the term 'weapon' means a firearm as such term is defined in section 921(a) of title 18, United States Code.

''(c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

''(d) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

''(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

''(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

''(A) the name of the school concerned;

''(B) the number of students expelled from such school; and

''(C) the type of weapons concerned.

''(e) REPORTING.—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.''.

SEC. 403. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

Title IV (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

''PART C—TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

''SEC. 4301. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

''(a) NONAPPLICATION OF PROVISIONS.—The provisions of this section shall not apply to any suspension or expulsion disciplinary records transferred from a private, parochial, or other nonpublic school, person, institution, or other entity, that provides education below the college level.

''(b) DISCIPLINARY RECORDS.—Not later than 2 years after the date of enactment of this part, each State receiving Federal funds

under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of suspension and expulsion disciplinary records by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, full-time or part-time, in the school.''.

SEC. 404. ENVIRONMENTAL TOBACCO SMOKE.

Title IV (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

''PART D—ENVIRONMENTAL TOBACCO SMOKE

''SEC. 4401. SHORT TITLE.

''This part may be cited as the 'Pro-Children Act of 2000'.

''SEC. 4402. DEFINITIONS.

''As used in this part:

''(1) CHILDREN.—The term 'children' means individuals who have not attained the age of 18.

''(2) CHILDREN'S SERVICES.—The term 'children's services' means the provision on a routine or regular basis of health, day care, education, or library services—

''(A) that are funded, after the date of the enactment of the Educational Excellence for All Children Act of 2000, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

''(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act); or

''(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in part 246.2 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling)) under section 17(b)(6) of the Child Nutrition Act of 1966; or

''(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate head of a Federal agency in any enforcement action carried out under this part,

except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966.

''(3) INDOOR FACILITY.—The term 'indoor facility' means a building that is enclosed.

''(4) PERSON.—The term 'person' means any State or local subdivision of a State, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children's services or any individual who owns or operates or otherwise controls and provides such services.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''SEC. 4403. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

''(a) PROHIBITION.—After the date of the enactment of the Educational Excellence for All Children Act of 2000 no person shall permit smoking within any indoor facility owned or leased or contracted for, and utilized, by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

''(b) ADDITIONAL PROHIBITION.—

''(1) IN GENERAL.—After the date of the enactment of the Educational Excellence for All Children Act of 2000, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health care or day care or early childhood development (Head Start) services.

''(2) EXCEPTION.—Paragraph (1) shall not apply to—

''(A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

''(B) any private residence.

''(c) FEDERAL AGENCIES.—

''(1) KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR LIBRARY SERVICES.—After the date of the enactment of the Educational Excellence for All Children Act of 2000, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

''(2) HEALTH OR DAY CARE OR EARLY CHILDHOOD DEVELOPMENT SERVICES.—

''(A) IN GENERAL.—After the date of the enactment of the Educational Excellence for All Children Act of 2000, no Federal agency shall permit smoking within any indoor facility (or portion of such facility) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to—

''(i) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

''(ii) any private residence.

''(3) APPLICATION OF PROVISIONS.—The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

''(d) NOTICE.—The prohibitions in subsections (a) through (c) shall be published in a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after the date of the enactment of the Educational Excellence for All Children Act of 2000, whichever occurs first.

''(e) CIVIL PENALTIES.—

''(1) IN GENERAL.—Any failure to comply with a prohibition in this section shall be considered to be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty assessed under this section, the total amount shall not exceed the amount of Federal funds received by such person for the fiscal year in which the continuing violation occurred. For the purpose of the prohibition in subsection (c), the term 'person', as used in this paragraph, shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

''(2) ADMINISTRATIVE PROCEEDING.—A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued under paragraph (1), by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before making such assessment or issuing such order, or both, the Secretary shall give written notice of the assessment or order to such person by certified mail with return receipt and provide information in the notice of an opportunity to request in writing, not later than 30 days after the date of receipt of such notice, such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form that may be used to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing, which shall be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may consult to arrange a suitable date and location where appropriate.

''(3) CIRCUMSTANCES AFFECTING PENALTY OR ORDER.—In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

''(A) the nature, circumstances, extent, and gravity of the violation;

''(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

''(C) such other matters as justice may require.

''(4) MODIFICATION.—The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or the agencies or instrumentalities of the United States owe to the person against whom the penalty is assessed.

''(5) PETITION FOR REVIEW.—Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy of the petition to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

''(6) FAILURE TO COMPLY.—If a person fails to pay an assessment of a civil penalty or comply with an order, after the assessment or order, or both, are final under this section, or after a court has entered a final judgment under paragraph (5) in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at prevailing rates from the day the assessment or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

''SEC. 4404. PREEMPTION.

''Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.

"PART E—OTHER PROGRAMS

"SEC. 4501. PROJECT SERV.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—From funds appropriated to carry out this part for each fiscal year under subsection (d), the Secretary is authorized to carry out a program of providing education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis, such as a shooting or major accident. Such program shall be referred to as 'Project SERV'.

''(2) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—The Secretary may carry out Project SERV directly, or through grants, contracts, or cooperative agreements with public and private organizations, agencies, and individuals, or through agreements with other Federal agencies.

''(b) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Project SERV may provide—

''(A) assistance to school personnel in assessing a crisis situation, including—

''(i) assessing the resources available to the local educational agency and community to respond to the situation; and

''(ii) developing a response plan to coordinate services provided at the Federal, State, and local level;

''(B) mental health crisis counseling to students and their families, teachers, and others in need of such services;

''(C) increased school security;

''(D) training and technical assistance for State and local educational agencies, State and local mental health agencies, State and local law enforcement agencies, and communities to enhance their capacity to develop and implement crisis intervention plans;

''(E) services and activities designed to identify and disseminate the best practices of school- and community-related plans for responding to crises; and

''(F) other needed services and activities that are consistent with the purposes of this section.

''(2) CRITERIA AND REPORTING REQUIRING.—The Secretary, in consultation with the Attorney General, the Secretary of Health and Human Services, and the Director of the Federal Emergency Management Agency—

''(A) shall establish such criteria and application requirements as may be needed to select which local educational agencies are assisted under this section; and

''(B) may establish such reporting requirements as may be needed to collect uniform data and other information from all local educational agencies assisted under this section.

''(c) COORDINATING COMMITTEE.—

''(1) ESTABLISHMENT.—There shall be established a Federal coordinating committee on school crises comprised of the Secretary, the Attorney General, the Secretary of Health and Human Services, the Director of the Federal Emergency Management Agency, the Director of the Office of National Drug Control Policy, and such other members as the Secretary determines appropriate. The Secretary shall serve as chair of the Committee.

''(2) COORDINATION.—The Committee shall coordinate the Federal responses to crises that occur in schools or directly affect the learning environment in schools.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $15,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 following fiscal years.''.

TITLE V—EDUCATIONAL OPPORTUNITY INITIATIVES

SEC. 501. EDUCATIONAL OPPORTUNITY INITIATIVES.

The heading for title V (20 U.S.C. 7201 et seq.) is amended to read as follows:

"TITLE V—EDUCATIONAL OPPORTUNITY INITIATIVES".

PART A—MAGNET SCHOOLS ASSISTANCE

SEC. 511. MAGNET SCHOOLS ASSISTANCE.

Part A of title V (20 U.S.C. 7201 et seq.) is amended to read as follows:

"PART A—MAGNET SCHOOLS ASSISTANCE

"SEC. 5001. FINDINGS AND STATEMENT OF PURPOSE.

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

''(1) Magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation of our Nation's schools.

''(2) It is in the national interest to continue the Federal Government's support of school districts that are implementing court-ordered desegregation plans and school districts that are voluntarily seeking to foster meaningful interaction among students of different racial and ethnic backgrounds.

''(3) Desegregation can help ensure that all students have equitable access to high-quality education that will prepare them to function well in a technologically oriented and highly competitive society comprised of people from many different racial and ethnic backgrounds.

''(4) It is in the national interest to desegregate and diversify those schools in our Nation that are racially, economically, linguistically, or ethnically segregated. Such segregation exists between minority and nonminority students as well as among students of different minority groups.

''(b) STATEMENT OF PURPOSE.—The purpose of this part is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for—

''(1) the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students which shall assist in the efforts of the United States to achieve voluntary desegregation in public schools;

''(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State and local content standards and challenging State and local student performance standards;

''(3) the development and design of innovative educational methods and practices;

''(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational, technological and career skills of students attending such schools;

''(5) improving the capacity of local educational agencies, including through professional development, to continue operating magnet schools at a high performance level after Federal funding is terminated; and

''(6) ensuring that all students enrolled in the magnet school program have equitable access to high quality education that will enable the students to succeed academically and continue with post secondary education or productive employment.

"SEC. 5002. PROGRAM AUTHORIZED.

''The Secretary, in accordance with this part, is authorized to make grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part for magnet schools that are—

''(1) part of an approved desegregation plan; and

''(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

"SEC. 5003. DEFINITION.

''For the purpose of this part, the term 'magnet school' means a public elementary school or secondary school or a public elementary or secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"SEC. 5004. ELIGIBILITY.

''A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this part to carry out the purposes of this part if such agency or consortium—

''(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary schools and secondary schools of such agency; or

''(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to such local educational agency or consortium of such agencies under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

"SEC. 5005. APPLICATIONS AND REQUIREMENTS.

''(a) APPLICATIONS.—An eligible local educational agency or consortium of such agencies desiring to receive assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

''(b) INFORMATION AND ASSURANCES.—Each such application shall include—

''(1) a description of—

''(A) how assistance made available under this part will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

''(B) the manner and extent to which the magnet school project will increase student achievement in the instructional area or areas offered by the school;

''(C) how an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this part cannot be continued without the use of funds under this part;

''(D) how funds under this part will be used to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate, in accordance with the provisions of section 6506; and

''(E) the criteria to be used in selecting students to attend the proposed magnet school project; and

''(2) assurances that the applicant will—

''(A) use funds under this part for the purposes specified in section 5001(b);

''(B) employ State certified or licensed teachers in the courses of instruction assisted under this part to teach or supervise others who are teaching the subject matter of the courses of instruction;

''(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

''(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

''(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

''(iii) designing or operating extracurricular activities for students;

''(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

''(E) give students residing in the local attendance area of the proposed magnet school project equitable consideration for placement in the project, consistent with desegregation guidelines and the capacity of the project to accommodate these students.

''(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

''SEC. 5006. PRIORITY.

''In approving applications under this part, the Secretary shall give priority to applicants that—

''(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

''(2) propose to carry out new magnet school projects, or significantly revise existing magnet school projects;

''(3) propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination;

''(4) propose to implement innovative educational approaches that are consistent with the State and local content and student performance standards; and

''(5) propose activities, which may include professional development, that will build local capacity to operate the magnet school program once Federal assistance has terminated.

''SEC. 5007. USE OF FUNDS.

''(a) IN GENERAL.—Grant funds made available under this part may be used by an eligible local educational agency or consortium of such agencies—

''(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

''(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

''(3) for the payment, or subsidization of the compensation, of elementary school and secondary school teachers who are certified or licensed by the State, and instructional staff where applicable, who are necessary for the conduct of programs in magnet schools;

''(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

''(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

''(B) further the purposes of this part;

''(5) to include professional development, which professional development shall build the agency's or consortium's capacity to operate the magnet school once Federal assistance has terminated;

''(6) to enable the local educational agency or consortium to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program; and

''(7) to enable the local educational agency or consortium to have flexibility in designing magnet schools for students at all grades.

''(b) SPECIAL RULE.—Grant funds under this part may be used in accordance with paragraphs (2) and (3) of subsection (a) only if the activities described in such paragraphs are directly related to improving the students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational, technological and career skills.

''SEC. 5008. PROHIBITION.

Grants under this part may not be used for transportation or any activity that does not augment academic improvement.

''SEC. 5009. LIMITATIONS.

''(a) DURATION OF AWARDS.—A grant under this part shall be awarded for a period that shall not exceed three fiscal years.

''(b) LIMITATION ON PLANNING FUNDS.—A local educational agency may expend for planning (professional development shall not be considered as planning for purposes of this subsection) not more than 50 percent of the funds received under this part for the first year of the project, 25 percent of such funds for the second such year, and 15 percent of such funds for the third such year.

''(c) AMOUNT.—No local educational agency or consortium awarded a grant under this part shall receive more than $4,000,000 under this part in any one fiscal year.

''(d) TIMING.—To the extent practicable, the Secretary shall award grants for any fiscal year under this part not later than June 1 of the applicable fiscal year.

''SEC. 5010. INNOVATIVE PROGRAMS.

''(a) IN GENERAL.—From amounts reserved under subsection (d) for each fiscal year, the Secretary shall award grants to local educational agencies or consortia of such agencies described in section 5004 to enable such agencies or consortia to conduct innovative programs that—

''(1) involve innovative strategies other than magnet schools, such as neighborhood or community model schools, to support desegregation of schools and to reduce achievement gaps;

''(2) assist in achieving systemic reforms and providing all students the opportunity to meet challenging State and local content standards and challenging State and local student performance standards; and

''(3) include innovative educational methods and practices that—

''(A) are organized around a special emphasis, theme, or concept; and

''(B) involve extensive parent and community involvement.

''(b) APPLICABILITY.—Sections 5301(b), 5302, 5305, 5306, and 5307, shall not apply to grants awarded under subsection (a).

''(c) APPLICATIONS.—Each local educational agency or consortia of such agencies desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

''(d) INNOVATIVE PROGRAMS.—The Secretary shall reserve not more than 5 percent of the funds appropriated under section 5012(a) for each fiscal year to award grants under this section.

''SEC. 5011. EVALUATIONS.

''(a) RESERVATION.—The Secretary may reserve not more than two percent of the funds appropriated under section 5012(a) for any fiscal year to carry out evaluations of projects assisted under this part and to provide technical assistance for grant recipients under this part.

''(b) CONTENTS.—Each evaluation described in subsection (a), at a minimum, shall address—

''(1) how and the extent to which magnet school programs lead to educational quality and improvement;

''(2) the extent to which magnet school programs enhance student access to quality education;

''(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students;

''(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs; and

''(5) the extent to which magnet school programs continue once grant assistance under this part is terminated.

''(c) DISSEMINATION.—The Secretary shall collect and disseminate to the general public information on successful magnet school programs.

''SEC. 5012. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

''(a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated $130,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall give priority to using such amounts in excess of $75,000,000 to award grants to local educational agencies or consortia of such agencies that did not receive a grant under this part in the preceding fiscal year.''.

PART B—PUBLIC CHARTER SCHOOLS

SEC. 521. PUBLIC CHARTER SCHOOLS.

(a) REAUTHORIZATION.—Part C of title X (20 U.S.C. 8061 et seq.) is amended—

(1) in section 10301 (20 U.S.C. 8061)—

(A) by striking subsection (a); and

(B) by striking ''(b) PURPOSE.—''; and

(2) in section 10311 (20 U.S.C. 8067), by striking ''$100,000,000 for fiscal year 1999'' and inserting ''$200,000,000 for fiscal year 2001''.

(b) TRANSFER, REDESIGNATION, CONFORMING AMENDMENTS.—Part C of title X (20 U.S.C. 8061 et seq.) is amended—

(1) by transferring such part so as to appear after part A of title V;

(2) by redesignating such part as part B;

(3) by redesignating sections 10301 through 10311 as sections 5201 through 5211, respectively;

(4) in section 5202 (as so redesignated)—

(A) in subsections (a) and (b), by striking ''10303'' each place that such appears and inserting ''5203'';

(B) in subsection (c)(1)(C), by striking ''10304'' and inserting ''5204''; and

(C) in subsection (e)(1), by striking ''10311'' each place that such appears and inserting ''5211'';

(5) in section 5203 (as so redesignated)—

(A) in subsections (b)(3)(M) and (c), by striking ''10302'' each place that such appears and inserting ''5202''; and

(B) in subsection (d)(2)(B), by striking ''10304'' and inserting ''5204'';

(6) in section 5204 (as so redesignated)—

(A) in the matter preceding paragraph (1) of subsections (a) and (b), by striking ''10303'' each place that such appears and inserting ''5203'';

(B) in subsections (a)(7) and (b)(7), by striking ''10302'' each place that such appears and inserting ''5202'';

(C) in the matter preceding paragraph (1) of subsection (e), by striking ''10310'' and inserting ''5210''; and

(D) in subsection (b)(3)(E), by striking ''parents'' and inserting ''families, students,'';

(7) in section 5205(a)(4)(B) (as so redesignated), by striking ''10303'' and inserting ''5203''; and

(8) in section 5210(2) (as so redesignated), by striking ''parents'' and inserting ''families and students,''.

PART C—OPTIONS: OPPORTUNITIES TO IMPROVE OUR NATION'S SCHOOLS

SEC. 531. OPTIONS: OPPORTUNITIES TO IMPROVE OUR NATION'S SCHOOLS.

Part C of title V (20 U.S.C. 7621 et seq.) is amended to read as follows:

''PART C—OPTIONS: OPPORTUNITIES TO IMPROVE OUR NATION'S SCHOOLS

''SEC. 5301. PURPOSE.

''It is the purpose of this part to identify and support innovative approaches to high-quality public school choice by providing financial assistance for the demonstration, development, implementation, and evaluation of, and the dissemination of information about, public school choice programs that stimulate educational innovation for all public schools and contribute to standards-based school reform efforts.

''SEC. 5302. GRANTS.

''(a) IN GENERAL.—From funds appropriated under section 5305(a) and not reserved under section 5305(b), the Secretary is authorized to make grants to State and local educational agencies to support programs that promote innovative approaches to high-quality public school choice.

''(b) DURATION.—A grant under this part shall not be awarded for a period that exceeds 3 years.

''SEC. 5303. USES OF FUNDS.

''(a) USES OF FUNDS.—

''(1) IN GENERAL.—Funds under this part may be used to demonstrate, develop, implement, and evaluate, and to disseminate information about, innovative approaches to broaden public elementary school and secondary 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 such public schools.

''(2) EXAMPLES.—The approaches described in paragraph (1) at the school, school district, and State levels may include—

''(A) inter school 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 the 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 programs;

''(2) may be used for providing transportation services or costs, except that not more than 10 percent of the funds received under this part may be used by the local educational agency to provide such services or costs;

''(3) may be used for improving low performing schools that lose students as a result of school choice plans, except that not more than 10 percent of the funds under this part may be used by the local educational agency for the improvement of low performing schools; and

''(4) shall not be used to fund programs that are authorized under part C, D, or E.

''SEC. 5304. 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 in such form and containing such information as the Secretary may require.

''(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 programs;

''(3) if the program includes partners, the name of each partner and a description of the partner's responsibilities; and

''(4) a description of the policies and procedures the agency will use to ensure—

''(A) that priority is provided to parents of students attending schools identified for school improvement under section 1116 in exercising choice among schools;

''(B) that priority is provided to parents of students who want to stay enrolled at a school;

''(C) the agency's accountability for results, including the agency's goals and performance indicators;

''(D) that the program is open and accessible to, and will promote high academic standards for, all students regardless of the achievement level or disability of the students and the family income of the families of the students;

''(E) that all parents are provided with easily comprehensible information about various school options, including information on instructional approaches at different schools, resources, and transportation that will be provided at or for the schools on an annual basis;

''(F) that all parents are given timely notice about opportunities to choose which school their child will attend the following year and the period during which the choice may be made;

''(G) that limitations on transfers between schools only occur because of facilities constraints, statutory class size limits, and local efforts to ensure that schools reflect the diversity of the communities in which the schools are located;

''(H) that a lottery or other random system be established for parents of students wishing to attend a school that cannot receive all students wishing to attend; and

''(I) that the program is carried out in a manner consistent with Federal law, including court orders, such as desegregation orders, issued to enforce Federal law.

''(c) PRIORITIES.—

''(1) IN GENERAL.—The Secretary shall give a priority to applications for programs that will serve high-poverty local educational agencies.

''(2) PERMISSIVE.—The Secretary may give a priority to applications demonstrating that the State or local educational agency will carry out the agency's program in partnership with one or more public or private agencies, organizations, or institutions, including institutions of higher education and public or private employers.

''SEC. 5305. AUTHORIZATION OF APPROPRIATIONS; RESERVATION; EVALUATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $100,000,000 for each of fiscal years 2001 through 2005.

''(b) RESERVATION FOR EVALUATION, TECHNICAL ASSISTANCE, AND DISSEMINATION.—From the amount appropriated under subsection (a) 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 one or more evaluations of programs assisted under this part, which, at a minimum, shall 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.''.

PART D—WOMEN'S EDUCATIONAL EQUITY

SEC. 541. WOMEN'S EDUCATIONAL EQUITY.

(a) AMENDMENTS.—Part B of title V, as such part existed on the day before the date of enactment of this Act, (20 U.S.C. 7231 et seq.) is amended—

(1) by amending section 5201 (20 U.S.C. 7231) to read as follows:

''SEC. 5401. SHORT TITLE.

''This part may be cited as the 'Women's Educational Equity Act of 2000'.'';

(2) in section 5202(3) (20 U.S.C. 7232(3))—

(A) strike ''sex,'' and insert ''sex and''; and

(B) by inserting ''socioeconomic status,'' after ''disability,'';

(3) in section 5203(b) (20 U.S.C. 7233(b))—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''years, to'' and inserting ''years'';

(ii) in subparagraph (A), by striking ''provide grants''; and

(iii) in subparagraph (B), by striking ''provide funds''; and

(B) in paragraph (2)(A)—

(i) in clause (v), by striking ''and on race'' and inserting ''and race'';

(ii) in clause (xiii)(I), by striking ''institution'' and inserting ''institutional'';

(iii) in clause (xiii)(II)—

(I) by striking ''of equity'' and inserting ''of gender equity''; and

(II) by striking ''education;'' and inserting ''education,''; and

(iv) in clause (xiii)(III), by striking the period and inserting ''for women and girls; and''; and

(C) in paragraph (2)(B)(viii), by striking ''and unemployed'' and inserting ''women, unemployed'';

(4) in section 5204 (20 U.S.C. 7234)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

''Each entity desiring assistance under this part shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall—'';

(B) in paragraph (2), by striking ''the National Education Goals'' and inserting ''America's Education Goals'';

(C) by striking paragraph (4); and

(D) by redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively;

(5) in section 5205 (20 U.S.C. 7235)—

(A) in subsection (a)—

(i) by striking ''CRITERIA AND PRIORITIES.—'' and all that follows through ''The'' in paragraph (1) and inserting the following: ''CRITERIA AND PRIORITIES.—The''; and

(ii) in paragraph (2)—

(I) by redesignating such paragraph as subsection (b), and realigning the margin accordingly; and

(II) by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively, and realigning the margins accordingly;

(B) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(C) in subsection (c) (as so redesignated)—

(i) in the matter preceding paragraph (1), by striking ''special consideration'' and inserting ''priority''; and

(ii) by amending paragraph (3)(E) to read as follows:

''(E) address the educational needs of women and girls who suffer multiple forms of discrimination on the basis of sex and on race, ethnic origin, limited English proficiency, disability, socioeconomic status, or age.''; and

(D) in subsection (e)(1) (as so redesignated), by striking ''by the Office'' and inserting ''by such Office'';

(6) in section 5206 (20 U.S.C. 7236), by striking ''1999'' and inserting ''2004'';

(7) in section 5207 (20 U.S.C. 7237), by striking subsection (a) and inserting the following:

''(a) EVALUATION AND DISSEMINATION.—The Secretary shall—

''(1) evaluate in accordance with section 10201, materials and programs developed under this part;

''(2) disseminate materials and programs developed under this part; and

''(3) report to the Congress regarding such evaluation materials and programs not later than January 1, 2004.''; and

(8) in section 5208 (20 U.S.C. 7238)—

(A) by striking ''1995'' and inserting ''2001''; and

(B) by striking '', of which'' and all that follows through ''section 5203(b)(1)''.

(b) TRANSFER AND REDESIGNATION.—Part B of title V (20 U.S.C. 7201 et seq.), as amended by subsection (a), is transferred so as to appear after part C of title V (as added by section 531) and redesignated as part D.

(c) REDESIGNATION OF SECTIONS.—Sections 5201 through 5208, as amended by subsection (a), (20 U.S.C. 7231-7238) are redesignated as sections 5401 through 5408, respectively.

(d) CONFORMING AMENDMENTS.—Part D of title V (as so redesignated) is amended—

(1) in section 5404 (as so redesignated), by striking ''5203(b)(1)'' each place that such appears and inserting ''5403(b)(1)'';

(2) in section 5405(a) (as so redesignated), by striking ''5203(b)'' and inserting ''5403(b)''; and

(3) in section 5408 (as so redesignated), by striking ''5203(b)(1)'' and inserting ''5403(b)(1)''.

PART E—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 551. TECHNICAL AND CONFORMING AMENDMENTS.

(a) GENERAL EDUCATION PROVISIONS ACT.—Section 441(a) of the General Education Provisions Act (20 U.S.C. 1232d(a)) is amended by striking ''shall submit (subject'' and all that follows through ''to the Secretary'' and inserting ''shall submit to the Secretary''.

(b) TITLE 31, UNITED STATES CODE.—Section 6703(a) of title 31, United States Code is amended by striking paragraph (1).

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) 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.

''(2) Local educational agencies should therefore have primary responsibility for deciding how to implement funds.

''(b) POLICY.—Congress declares it to be the policy of the United States 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 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 Educational Excellence for All Children Act of 2000.

''(2) To provide assistance to local educational agencies and schools for innovative academic programs and activities by creating a challenging learning environment and facilitating academic enrichment through innovative academic programs.

''PART A—INNOVATIVE PROGRAMS

''SEC. 6011. PROGRAMS AUTHORIZED.

''(a) GRANTS AUTHORIZED.—From the amount appropriated under section 6017 for a fiscal year, the Secretary shall award a grant to each State educational agency having a State plan approved under section 6013(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 6018 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; and

''(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.

''(2) STATE ALLOTMENTS.—

''(A) IN GENERAL.—From the amount appropriated under section 6018 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 6013(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 under title VI (as such title was in effect on the day preceding the date of enactment of the Educational Excellence for All Children Act of 2000) 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. 6012. WITHIN STATE ALLOCATION.

''(a) ALLOCATIONS.—Each State educational agency for a State receiving a grant award under section 6011(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;

''(D) encourage and enable all States to develop and implement value-added assessments; and

''(E) establish other statewide innovative activities aimed at raising student achievement levels of student performance so that all students may meet the proficient level on State standards within 10 years of the date of enactment of the Educational Excellence for All Children Act of 2000; 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 6013(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. 6013. 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) 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 6015 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).

''(3) APPROVAL.—The Secretary, using a peer review process, shall approve a State plan if the State plan meets the requirements of this subsection.

''(4) DURATION OF THE PLAN.—Each State plan shall remain in effect for the duration of the State's participation under this title.

''(5) 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 6012(a)(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 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

''(F) 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. 6014. 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) ACTIVITIES.—Each local educational agency receiving a grant award under section 6012(a)(3) may 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 (6).

''(1) 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,—

''(A) incorporate the best practices developed from research-based methods and practices;

''(B) 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;

''(C) 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;

''(D) offer teachers, principals, and administrators professional development and technical assistance that are aligned with the content of such programs; and

''(E) address local needs, as determined by the local educational agency's evaluation of school and districtwide data.

''(2) For 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 Educational Excellence for All Children Act of 2000.

''(3) For programs to improve higher order thinking skills of all students, especially disadvantaged students.

''(4) For promising innovative education reform projects that are consistent with challenging State content and student performance standards.

''(5) For 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.

''(6) To establish technology programs that will, to the greatest extent possible—

''(A) increase student performance related to an authentic task;

''(B) integrate the use of technology into activities that are a core part of classroom curricula and are available to all students;

''(C) emphasize how to use technology to accomplish authentic tasks;

''(D) 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

''(E) 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.

''SEC. 6015. LOCAL ASSISTANCE.

''(a) IN GENERAL.—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) PROVISION.—Local assistance may be provided by—

''(1) the State educational agency or local educational agency; or

''(2) 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, 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. 6016. 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;

''(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 in section 6013(b), and the extent to which programs assisted under this title have increased student achievement.

"SEC. 6017. SANCTIONS.

''(a) THIRD FISCAL YEAR.—If performance objectives established under section 6013 have not been met by a State receiving grant funds under this title 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 this title.

''(b) FOURTH FISCAL YEAR.—If the State fails to meet such performance objectives by the end of the fourth fiscal year for which the State receives grant funds under this title, the Secretary shall reduce the total amount the State receives under this title by 20 percent.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance, if sought, to a State subjected to sanctions under subsection (a) or (b).

''(d) LOCAL SANCTIONS.—

''(1) IN GENERAL.—Each State receiving assistance under this title shall develop a system to hold local educational agencies accountable for meeting the adequate yearly progress requirements established under part A of title I and the performance objectives established under this title.

''(2) SANCTIONS.—A system developed under paragraph (1) 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.

"SEC. 6018. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $2,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART B—RURAL AND URBAN EDUCATION INITIATIVE

"SEC. 6201. SHORT TITLE.

''This part may be cited as the 'Rural and Urban Education Development Initiative for the 21st Century Act'.

"SEC. 6202. PURPOSE.

''The purpose of this part is to provide rural school students in the United States with increased learning opportunities.

"SEC. 6203. FINDINGS.

''Congress makes the following findings:

''(1) While there are rural education initiatives identified at the State and local level, no Federal education policy focuses on the specific needs of rural school districts and schools, especially those that serve poor students.

''(2) The National Center for Educational Statistics (NCES) reports that 46 percent of our Nation's public schools serve rural areas.

''(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 subjects 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) Small school districts with fewer than 600 students often cannot use Federal grant funds distributed by formula because the formula allocation does not provide enough revenue to carry out the program the grant is intended to fund.

''(5) The ability of the Nation's major urban public school systems to meet the Nation's educational goals will substantially determine the country's economic competitiveness and academic standing in the world community.

''(6) The quality of public education in the Nation's major urban areas has a direct effect on the economic development of the Nation's cities.

''(7) The success of urban public schools in accelerating the achievement of the youth attending such schools will determine the ability of the Nation to close the gap between the 'haves and the have-nots' in society.

''(8) The cost to America's businesses to provide remedial education to high school graduates is approximately $21,000,000,000 per year.

''(9) Approximately ⅓ of the Nation's workforce are members of minority groups.

''(10) Urban schools enroll a disproportionately large share of the Nation's poor and 'at-risk' youth.

''(11) Urban schools enroll over ⅓ of the Nation's poor, 40 percent of the Nation's African-American children, and 30 percent of the Nation's Hispanic youth.

''(12) Nearly 40 percent of the Nation's limited-English-proficient children and 15 percent of the Nation's disabled youth are enrolled in urban public schools.

''(13) The National Assessment of Educational Progress (in this section referred to as 'NAEP') shows substantial achievement gaps between urban and non-urban students, whether enrolled in high poverty or low poverty schools.

''(14) Urban school children have begun to narrow the achievement gap in reading according to the recent NAEP Reading Report Card.

''(15) The NAEP shows substantial achievement gaps between white students, and African-American and Hispanic students.

''(16) African-American and Hispanic school children have begun to narrow the achievement gap in reading according to the recent NAEP Reading Report Card.

''(17) The dropout rate for urban students is more than 50 percent higher than the national dropout rate.

''(18) Urban preschoolers have ½ the access to early childhood development programs as do other children.

''(19) Teacher shortages and teacher turnover in urban public school systems are substantially greater than in non-urban school systems, particularly in math and science.

''(20) Urban public school systems have less parental involvement, and greater problems with health care, teenage pregnancy, truancy and discipline, drug abuse, and gangs than do other kinds of school systems.

''(21) Urban school buildings are in more serious disrepair according to the General Accounting Office than facilities in other kinds of school systems, with 75 percent of urban public school buildings being over 25 years old, 33 percent of such buildings being over 50 years old, thus creating poor and demoralizing working and learning conditions.

''(22) Solving the challenges facing our Nation's urban schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community.

''(23) Federal and State funding of urban public schools has not adequately reflected need.

''(24) Federal funding that is well-targeted, flexible, and accountable would contribute significantly to addressing the comprehensive needs of inner-city public schools and school children.

"SEC. 6204. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out—

''(1) subpart 1, $300,000,000 for each of the fiscal years 2001 through 2004; and

''(2) subpart 2, such sums as may be necessary for fiscal year 2001 and for each of the 4 succeeding fiscal years.

"Subpart 1—Rural Education Development Initiative for the 21st Century

"SEC. 6211. SHORT TITLE OF SUBPART.

''This subpart may be cited as the 'Rural Education Development Initiative for the 21st Century Act'.

"SEC. 6212. PURPOSE.

''The purpose of this subpart is to provide rural school students in the United States with increased learning opportunities.

"SEC. 6213. FINDINGS.

''Congress makes the following findings:

''(1) While there are rural education initiatives at the State and local levels, no Federal education policy focuses on the specific needs of rural school districts and schools, especially those that serve poor students.

''(2) The National Center for Educational Statistics (NCES) reports that 46 percent of our Nation's public schools serve rural areas.

''(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 subjects 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.

"SEC. 6214. DEFINITIONS; CERTIFICATION.

''(a) DEFINITIONS.—In this subpart:

''(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term 'eligible local educational agency' means a local educational agency that serves—

''(A)(i) a school age population with an average family income that is below the State median income level as determined by the Secretary using the most recent data available from the Bureau of the Census; and

''(ii) a school district that is identified as rural by the National Center for Education Statistics; or

''(B)(i) a school age population 15 percent or more of whom are from families with incomes below the poverty line; and

''(ii) a school district that is identified as rural by the National Center for Education Statistics.

''(2) 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.

''(3) SCHOOL AGE POPULATION.—The term 'school age population' means the number of students aged 5 through 17 residing in the school district served by the local educational agency as determined by the Secretary using the most recent data available from the Bureau of the Census.

''(b) CERTIFICATION.—The Secretary may waive the requirements of subparagraph

(A)(ii) or (B)(ii) of paragraph (1) for an eligible local educational agency if the agency provides certification to the Secretary that the agency serves a school district located in an area defined as rural by a governmental agency of the State.

"SEC. 6215. PROGRAM AUTHORIZED.

''(a) RESERVATION.—From amounts appropriated under section 6219 for a fiscal year the Secretary shall reserve—

''(1) 0.5 percent of such amount for each fiscal year to make awards to elementary or secondary schools operated or supported by the Bureau of Indian Affairs to carry out the purposes of this subpart; and

''(2) $2,000,000 for each fiscal year to enable the Secretary to provide technical assistance to eligible local educational agencies to assist such agencies in obtaining other Federal assistance.

''(b) GRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—From amounts appropriated under section 6219 that are not reserved under subsection (a) for a fiscal year, the Secretary shall award grants to eligible local educational agencies that have applications approved under section 6216 for local authorized activities described in subsection (c).

''(2) INITIAL AMOUNT.—Each eligible local educational agency shall receive a grant under this subpart in an amount equal to the sum of—

''(A) a base amount of $20,000; plus

''(B) $100 multiplied by the number of students, over 50 students, in average daily attendance in the schools served by the eligible local educational agency.

''(3) MAXIMUM.—No eligible local educational agency shall receive a grant under this subpart that is greater than $60,000.

''(4) RATABLE ADJUSTMENT.—

''(A) IN GENERAL.—If the amount made available for this subpart for any fiscal year is not sufficient to pay in full the amounts that eligible local educational agencies are eligible to receive under paragraph (2) for such year, the Secretary—

''(i) first, shall ratably reduce the amount made available under paragraph (2)(B) for all local educational agencies for such year; and

''(ii) second, shall ratably reduce the base amount under paragraph (2)(A) for all eligible local educational agencies for such year.

''(B) ADDITIONAL AMOUNTS.—If additional funds become available for making payments under paragraph (2) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

''(5) DATA.—In determining the school age population under paragraph (2) the Secretary shall use the most recent data available from the Bureau of the Census.

''(c) LOCAL AUTHORIZED ACTIVITIES.—Grant funds awarded to an eligible local educational agency under this subpart shall be used for—

''(1) professional development activities authorized under title II;

''(2) class size reduction activities and other activities authorized under section 307 of the Department of Education Appropriations Act, 1999;

''(3) technology activities authorized under title III; or

''(4) local drug and violence prevention programs authorized under section 4116.

''(d) RELATION TO OTHER FEDERAL FUNDING.—Funds received under this subpart by 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 the eligible local educational agency.

"SEC. 6216. APPLICATIONS.

''Each eligible local educational agency that desires a grant under this subpart to carry out an activity described in section 6215(c) shall include, as part of the application submitted under the provision of law described in section 6215(c) applicable to the activity, a request for funds under this subpart.

"SEC. 6217. ADMINISTRATIVE PROVISIONS.

''(a) SUPPLEMENT NOT SUPPLANT.—Funds under this subpart shall be used to supplement and not supplant any other Federal, State, or local education funds that would otherwise be available for the purposes of this subpart.

''(b) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit an eligible local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services pursuant to State law or a written agreement from entering into similar arrangements for the use or the coordination of the use of the funds made available under this subpart.

"SEC. 6218. REPORTS; ACCOUNTABILITY; STUDIES.

''(a) LOCAL EDUCATIONAL AGENCY REPORTS.—Each eligible local educational agency that receives a grant under this subpart for an activity described in section 6215(c) shall provide an annual report to the Secretary. The report shall describe how the local educational agency used funds provided under this subpart to make progress in meeting the goals and objectives of the provision of law described in section 6215(c) applicable to the activity.

''(b) STUDIES.—

''(1) COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study regarding the impact of assistance provided under this subpart on student achievement. The Controller General shall report the results of the study to Congress.

''(2) SECRETARY.—The Secretary shall conduct a study and report to Congress regarding the unique needs of rural school districts, including needs related to—

''(A) the small size of the school districts, the small number of students or student sparsity, and remoteness;

''(B) teacher qualifications and class size;

''(C) teacher recruitment and multiple roles of teachers;

''(D) transportation costs;

''(E) school safety and drug abuse;

''(F) course offerings; and

''(G) the impact of children with special needs.

"SEC. 6219. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart $300,000,000 for each of the fiscal years 2001 through 2004.

"Subpart 2—Urban Education Initiative

"SEC. 6221. SHORT TITLE OF SUBPART.

''This subpart may be cited as the 'Eliminating Educational Disparities and Promoting Learning for Urban Students Act of 2000'.

"SEC. 6222. PURPOSE.

''The purpose of this subpart to provide supplemental financial assistance to eligible urban school districts to enhance their efforts under programs established under this Act to narrow or overcome educational disparities between minority and non-minority group students, and between urban and non-urban public school students.

"SEC. 6223. URBAN SCHOOL GRANTS.

''(a) AUTHORIZATION.—The Secretary is authorized to make supplementary grants to eligible local educational agencies serving an urban area, or State educational agencies in the case where the State educational agency is the local educational agency, for activities designed to assist schools with high concentrations of students from low income families and racial and language minority groups improve schoolwide academic achievement, with particular attention to narrowing or overcoming disparities in achievement scores and school completion between minority and non-minority group students and between urban and non-urban public school students.

''(b) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this subpart, the term 'eligible local educational agency' means a local educational agency that—

''(1) serves the largest central city in a State; or

''(2) enrolls—

''(A) more than 30,000 students and serves a central city with a population of at least 200,000 in a metropolitan statistical area; or

''(B) between 25,000 and 30,000 students and serves a central city with a population of at least 140,000 in a metropolitan statistical area.

''(c) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Grant funds awarded to an eligible local educational agency under this subpart shall be used—

''(A) for—

''(i) activities to assist schools in need of improvement authorized under section 1116;

''(ii) professional development activities authorized under title II;

''(iii) programs authorized under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act;

''(iv) the Emergency Immigrant Education Program authorized under part C of title VII; or

''(v) class size reduction; and

''(B) in ways consistent with the purposes of this subpart.

''(2) ADDITIONAL REQUIREMENT.—Authorized activities conducted with grant funds provided under this subpart shall be carried out in a school or schools of a feeder system with high concentrations of students from racial and language minority groups within the eligible local educational agency.

''(3) ADMINISTRATIVE COSTS.—Not more than 5 percent of any grant awarded under this subpart may be used for administrative costs.

''(d) ALLOCATIONS.—In making awards from amounts appropriated under this subpart, the Secretary shall allocate amounts directly to each urban eligible local educational agency on the basis of the relative number of children counted under section 1124(c) in such agencies, as determined by the Secretary using the most recent satisfactory data.

''(e) RELATION TO OTHER FEDERAL FUNDING.—Funds received under this subpart by 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 the local educational agency.

''(f) APPLICATIONS.—Each eligible local educational agency that desires a grant under this subpart shall submit an application to the Secretary that identifies the authorized activities described in subsection (c)(1) for which funds provided under the grant will be used.

''(g) SUPPLEMENT NOT SUPPLANT.—Funds under this subpart shall be used to supplement and not supplant any other Federal, State, or local education funds that would otherwise be available for the purposes of this subpart.

''(h) REPORTS; ACCOUNTABILITY; STUDIES.—

''(1) LOCAL EDUCATIONAL AGENCY REPORTS.—Each eligible local educational agency that

receives a grant under this subpart shall provide an annual report to the Secretary. The report shall describe how the local educational agency used funds provided under this subpart to make progress in meeting the goals and objectives applicable to the authorized activities conducted with such funds.

''(2) STUDY BY NATIONAL ACADEMY OF SCIENCES.—The Chairman of the National Academy of Sciences shall conduct a study regarding the impact of assistance provided under this subpart on student achievement and report the results of the study to Congress.

''(i) ADDITIONAL DEFINITIONS.—In this subpart:

''(1) CENTRAL CITY.—The term 'central city' has the meaning given that term by the Bureau of the Census.

''(2) METROPOLITAN STATISTICAL AREA.—The term 'metropolitan statistical area' has the meaning given that term by the Bureau of the Census.

''(3) POVERTY LEVEL.—The term 'poverty level' means the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census.''.

SEC. 602. TECHNICAL AND CONFORMING AMENDMENT.

Section 4(b)(5) of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b(b)(5)) is amended by striking ''Title VI'' and inserting ''Part A of title VI''.

TITLE VII—BILINGUAL EDUCATION

SEC. 701. PURPOSE.

Section 7102 (20 U.S.C. 7402) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 7102. PURPOSE.'';

(2) by striking subsections (a) and (b); and

(3) in subsection (c)—

(A) by striking ''(c) PURPOSE.—The'' and inserting ''The'';

(B) in the matter preceding paragraph (1), by striking ''to educate limited English proficient children and youth to'' and inserting ''to help ensure that limited English proficient students master English and'';

(C) by striking paragraph (1) and inserting the following:

''(1) promoting systemic improvement and reform of, and developing accountability systems for, educational programs serving limited English proficient students;''; and

(D) in paragraph (2), by inserting ''fully'' before ''developing''.

SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

Section 7103(a) (20 U.S.C. 7403(a)) is amended by striking ''$215,000,000 for the fiscal year 1995'' and inserting ''$300,000,000 for fiscal year 2001''.

SEC. 703. REPEAL OF PROGRAM DEVELOPMENT AND IMPLEMENTATION GRANTS.

(a) IN GENERAL.—Section 7112 (20 U.S.C. 7422) is repealed.

(b) CONFORMING AMENDMENT.—Section 7111 (20 U.S.C. 7421) is amended, in the matter preceding paragraph (1), by striking ''7112, 7113, 7114, and 7115'' and inserting ''7113 and 7114''.

SEC. 703A. PERFORMANCE OBJECTIVES.

Title VII (20 U.S.C. 7401 et seq.), as amended by section 703(a), is amended by inserting after section 7111 the following:

''SEC. 7112. PERFORMANCE OBJECTIVES.

''(a) IN GENERAL.—Each entity receiving a grant under this subpart shall develop annual numerical performance objectives with respect to helping limited English proficient students become proficient in English. The objectives shall include age and developmentally appropriate incremental percentage increases for each fiscal year a State or local educational agency receives a grant under this subpart, including increases in the number of limited English proficient students demonstrating continuous and substantial progress on annual assessments in reading, writing, speaking, and listening comprehension, from the preceding fiscal year.

''(b) ACCOUNTABILITY.—Each entity receiving a grant under this subpart shall be held accountable for meeting the annual numerical performance objectives under this subpart and the adequate yearly progress levels for limited English proficient students under section 1111(b)(2)(B)(iv) and (vii).

''(c) PROGRAM IMPROVEMENT PLAN.—

''(1) IN GENERAL.—If, at the conclusion of the third year in which an entity receives a grant under this subpart, the Secretary determines that the entity is failing to meet its program objectives, as determined pursuant to the entity's program application, the entity shall promptly develop and submit to the Secretary a program improvement plan in order to receive a continuation grant award under this subpart for the subsequent fiscal year. Such plan shall include the annual performance objectives required under subsection (a).

''(2) APPROVAL.—The Secretary shall approve a program improvement plan under paragraph (1) only if the Secretary determines that the plan holds reasonable promise of enabling students with limited English proficiency participating in the program to learn English and achieve the challenging State content and performance standards.

''(3) DENIAL OF CONTINUATION AWARD.—If, at the conclusion of the fourth fiscal year in which an entity receives a grant under this subpart, the Secretary determines that the entity is still not meeting annual performance objectives for English proficiency and adequate yearly progress levels for limited English proficient students under section 1111(b), the Secretary shall deny the entity a continutation grant award under this subpart for the succeeding fiscal year.

''(d) PARENTAL NOTIFICATION.—

''(1) IN GENERAL.—Each local educational agency shall notify parents, in a manner and form understandable to the parent including, if necessary and to the extent feasible, in the native language of the parent, of a student participating in a language instruction educational program under this subpart 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 State and local content and performance standards.

''(2) OPTION TO DECLINE.—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.

''(3) SPECIAL RULE.—A student shall not be admitted to, or excluded from, any Federally assisted language instruction educational program assisted under this subpart solely on the basis of a surname or language-minority status.''.

SEC. 704. PROGRAM ENHANCEMENT PROJECTS.

(a) PURPOSE.—Section 7113 (20 U.S.C. 7423) is amended by striking subsection (a) and inserting the following:

''(a) PURPOSE.—The purpose of this section is to—

''(1) provide grants to eligible entities to provide innovative, locally designed, high quality instruction to children and youth of limited English proficiency;

''(2) help children and youth develop proficiency in the English language by expanding or strengthening instructional programs; and

''(3) help children and youth attain the standards established under section 1111(b).''.

(b) PROGRAM AUTHORIZED.—Section 7113(b) (20 U.S.C. 7423(b)) is amended—

(1) in paragraph (1)(B), by striking ''two'' and inserting ''3''; and

(2) by striking paragraph (2) and inserting the following:

''(2) AUTHORIZED ACTIVITIES.—(A) Grants awarded under this section shall be used for—

''(i) developing, implementing, expanding, or enhancing comprehensive preschool, elementary, or secondary education programs for limited English proficient children and youth, that are—

''(I) aligned with State and local content and student performance standards, and local school reform efforts; and

''(II) coordinated with related services for children and youth;

''(ii) providing high quality professional development to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient students; and

''(iii) annually assessing the English proficiency of all limited English proficient students served by activities carried out under this section.

''(B) Grants awarded under this section may be used for—

''(i) implementing programs to upgrade the reading and other academic skills of limited English proficient students;

''(ii) developing accountability systems to monitor the academic progress of limited English proficient and formerly limited English proficient students;

''(iii) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

''(iv) improving the instructional programs for limited English proficient students by identifying, acquiring, and applying effective curricula, instructional materials (including materials provided through technology), and assessments that are all aligned with State and local standards;

''(v) providing intensified instruction, including tutorials and academic or career counseling, for children and youth who are limited English proficient;

''(vi) adapting best practice models for meeting the needs of limited English proficient students;

''(vii) assisting limited English proficient students with disabilities;

''(viii) implementing applied learning activities such as service learning to enhance and support comprehensive elementary and secondary bilingual education programs; and

''(ix) carrying out such other activities, consistent with the purpose of this part, as the Secretary may approve.''.

(c) PRIORITY.—Section 7113 (20 U.S.C. 7423) is amended by adding at the end the following:

''(d) PRIORITY.—In awarding grants under this section, the Secretary may give priority to an entity that—

''(1) serves a school district—

''(A) that has a total district enrollment that is less than 10,000 students; or

''(B) with a large percentage or number of limited English proficient students; and

''(2) has limited or no experience in serving limited English proficient students.''.

SEC. 705. COMPREHENSIVE SCHOOL AND SYSTEMWIDE IMPROVEMENT GRANTS.

Section 7114 (20 U.S.C. 7424) is amended to read as follows:

''SEC. 7114. COMPREHENSIVE SCHOOL AND SYSTEMWIDE IMPROVEMENT GRANTS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to provide financial assistance to schools and local educational agencies for implementing bilingual education programs, in coordination with programs carried out under title I, for children and youth of limited English proficiency;

''(2) to assist limited English proficient students to meet the standards established under section 1111(b); and

''(3) to improve, reform, and upgrade relevant instructional programs and operations, in schools and local educational agencies, that serve significant percentages of students with limited English proficiency or significant numbers of such students.

''(b) AUTHORIZED ACTIVITIES.—

''(1) AUTHORITY.—The Secretary may award grants to eligible entities having applications approved under section 7116 to enable such entities to carry out activities described in paragraphs (2) and (3).

''(2) MANDATORY ACTIVITIES.—Grants awarded under this section shall be used for—

''(A) improving instructional programs for limited English proficient students by acquiring and upgrading curriculum and related instructional materials;

''(B) aligning the activities carried out under this section with State and local school reform efforts;

''(C) providing training, aligned with State and local standards, to school personnel and participating community-based organization personnel to improve the instruction and assessment of limited English proficient students;

''(D) developing and implementing plans, coordinated with plans for programs carried out under title II of the Higher Education Act of 1965 (where applicable), and title II of this Act (where applicable), to recruit teachers trained to serve limited English proficient students;

''(E) implementing culturally and linguistically appropriate family education programs, or parent outreach and training activities, that are designed to assist parents to become active participants in the education of their children;

''(F) coordinating the activities carried out under this section with other programs, such as programs carried out under title I;

''(G) providing services to meet the full range of the educational needs of limited English proficient students;

''(H) annually assessing the English proficiency of all limited English proficient students served by the activities carried out under this section; and

''(I) developing or improving accountability systems to monitor the academic progress of limited English proficient students.

''(3) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used for—

''(A) implementing programs to upgrade reading and other academic skills of limited English proficient students;

''(B) developing and using educational technology to improve learning, assessments, and accountability to meet the needs of limited English proficient students;

''(C) implementing research-based programs to meet the needs of limited English proficient students;

''(D) providing tutorials and academic or career counseling for limited English proficient children and youth;

''(E) developing and implementing State and local content and student performance standards for learning English as a second language, as well as for learning other languages;

''(F) developing and implementing programs for limited English proficient students to meet the needs of changing populations of such students;

''(G) implementing policies to ensure that limited English proficient students have access to other education programs (other than programs designed to address limited English proficiency), such as gifted and talented, vocational education, and special education programs;

''(H) implementing programs to meet the needs of limited English proficient students with disabilities;

''(I) developing and implementing programs to help all students become proficient in more than 1 language; and

''(J) providing such other activities related to the purpose of this part as the Secretary may approve.

''(4) SPECIAL RULE.—A recipient of a grant under this section, before carrying out activities under this section, shall plan, train personnel, develop curricula, and acquire or develop materials, but shall not use funds made available under this section for planning purposes for more than 90 days. The recipient shall commence carrying out activities under this section not later than 90 days after the date of receipt of the grant.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $1,000,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(2) DISTRIBUTION OF FUNDS.—Subject to paragraph (3), amounts appropriated under paragraph (1) for a fiscal year shall be distributed by the Secretary as follows:

''(A) RESERVATION OF FUNDS FOR CONTINUED PAYMENTS.—

''(i) COVERED GRANT.—In this subparagraph, the term 'covered grant' means a grant—

''(I) that was awarded under this section, or section 7115, prior to the date of enactment of the Educational Excellence for All Children Act of 2000; and

''(II) for which the grant period has not ended.

''(ii) RESERVATION.—For any fiscal year that is part of the grant period of a covered grant, the Secretary shall reserve funds for the payments described in clause (iii) from the amount appropriated for the fiscal year under paragraph (1).

''(iii) PAYMENTS.—The Secretary shall continue to make grant payments to each entity that received a covered grant, for the duration of the grant period of the grant, to carry out activities in accordance with the appropriate section described in clause (i)(I).

''(B) AVAILABILITY.—Of the amount appropriated for a fiscal year under paragraph (1) that remains after the Secretary reserves funds for payments under subparagraph (A)—

''(i) not less than ⅓ of the remainder shall be used to award grants for activities carried out within an entire school district; and

''(ii) not less than ⅔ of the remainder shall be used to award grants for activities carried out within individual schools.

''(3) CONVERSION TO FORMULA GRANT PROGRAM.—With respect to any fiscal year in which the amount appropriated to carry out this section equals or exceeds $800,000,000, such amounts shall be distributed—

''(A) first, among each State with an approved applications under section 7116, in the same proportion as amounts are distributed to such State under part A of title I; and

''(B) second, of the amount distributed to a State under subpararaph (A)—

''(i) 50 percent of such amount shall be distributed within the State based on the number of children who live in poverty in areas of the State; and

''(ii) 50 percent of such amount shall be distributed within the State based on the number of limited English proficiency students, using the most recently available data from the Bureau of the Census.

''(d) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means—

(1) 1 or more local educational agencies; or

(2) 1 or more local educational agencies, in collaboration with an institution of higher education, community-based organization, local educational agency, or State educational agency.''.

SEC. 706. REPEAL OF SYSTEMWIDE IMPROVEMENT GRANTS.

Section 7115 (20 U.S.C. 7425) is repealed.

SEC. 706A. IMMIGRANTS TO NEW AMERICANS MODEL PROGRAMS.

Title VII (20 U.S.C. 7401 et seq.), as amended by section 706, in amended by inserting after section 7114 the following:

''SEC. 7115. IMMIGRANTS TO NEW AMERICANS MODEL PROGRAMS.

''(a) FINDINGS.—Congress finds the following:

''(1) In 1997, there were an estimated 25,800,000 foreign-born individuals residing in the United States. That number is the largest number of such foreign-born individuals ever in United States history and represents a 6,000,000, or 30 percent, increase over the 1990 census figure of 19,800,000 of such foreign-born individuals. The Bureau of the Census estimates that the recently arrived immigrant population (including the refugee population) currently residing in the Nation will account for 75 percent of the population growth in the United States over the next 50 years.

''(2) For millions of immigrants settling into the Nation's hamlets, towns, and cities, the dream of ''life, liberty, and the pursuit of happiness'' has become a reality. The wave of immigrants, from various nationalities, who have chosen the United States as their home, has positively influenced the Nation's image and relationship with other nations. The diverse cultural heritage of the Nation's immigrants has helped define the Nation's culture, customs, economy, and communities. By better understanding the people who have immigrated to the Nation, individuals in the United States better understand what it means to be an American.

''(3) There is a critical shortage of teachers with the skills needed to educate immigrant students and their families in nonconcentrated, nontraditional, immigrant communities as well as communities with large immigrant populations. The large influx of immigrant families over the last decade presents a national dilemma: The number of such families with school-age children, requiring assistance to successfully participate in elementary schools, secondary schools, and communities in the United States, is increasing without a corresponding increase in the number of teachers with skills to accommodate their needs.

''(4) Immigrants arriving in communities across the Nation generally settle into high-poverty areas, where funding for programs to

provide immigrant students and their families with the services the students and families need to successfully participate in elementary schools, secondary schools, and communities in the United States is inadequate.

''(5) The influx of immigrant families settling into many United States communities is often the result of concerted efforts by local employers who value immigrant labor. Those employers realize that helping immigrants to become productive, prosperous members of a community is beneficial for the local businesses involved, the immigrants, and the community. Further, local businesses benefit from the presence of the immigrant families because the families present businesses with a committed and effective workforce and help to open up new market opportunities. However, many of the communities into which the immigrants have settled need assistance in order to give immigrant students and their families the services the students and families need to successfully participate in elementary schools, secondary schools, and communities, in the United States.

''(b) PURPOSE.—The purpose of this section is to establish a grant program, within the Department of Education, that provides funding to partnerships of local educational agencies and community-based organizations for the development of model programs to provide to immigrant students and their families the services the students and families need to successfully participate in elementary schools, secondary schools, and communities, in the United States.

''(c) DEFINITIONS.—In this section:

''(1) COMMUNITY-BASED ORGANIZATION; ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL.—The terms 'community-based organization', 'elementary school', 'local educational agency', and 'secondary school' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

''(2) IMMIGRANT.—The term 'immigrant' has the meaning given the term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

''(d) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award not more than 10 grants in a fiscal year to eligible partnerships for the design and implementation of model programs to—

''(A) assist immigrant students to achieve in elementary schools and secondary schools in the United States by offering such educational services as English as a second language classes, literacy programs, programs for introduction to the education system, and civics education; and

''(B) assist parents of immigrant students by offering such services as parent education and literacy development services and by coordinating activities with other entities to provide comprehensive community social services such as health care, job training, child care, and transportation services.

''(2) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 5 years. A partnership may use funds made available through the grant for not more than 1 year for planning and program design.

''(e) APPLICATIONS FOR GRANTS.—

''(1) IN GENERAL.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(2) ELIGIBLE PARTNERSHIPS.—To be eligible to receive a grant under this section, a partnership—

''(A) shall include—

''(i) at least 1 local educational agency; and

''(ii) at least 1 community-based organization; and

''(B) may include another entity such as an institution of higher education, a local or State government agency, a private sector entity, or another entity with expertise in working with immigrants.

''(3) REQUIRED DOCUMENTATION.—Each application submitted by a partnership under this section for a proposed program shall include documentation that—

''(A) the partnership has the qualified personnel required to develop, administer, and implement the proposed program; and

''(B) the leadership of each participating school has been involved in the development and planning of the program in the school.

''(4) OTHER APPLICATION CONTENTS.—Each application submitted by a partnership under this section for a proposed program shall include—

''(A) a list of the organizations entering into the partnership;

''(B) a description of the need for the proposed program, including data on the number of immigrant students, and the number of such students with limited English proficiency, in the schools or school districts to be served through the program and the characteristics of the students described in this subparagraph, including—

''(i) the native languages of the students to be served;

''(ii) the proficiency of the students in English and the native languages;

''(iii) achievement data for the students in—

''(I) reading or language arts (in English and in the native languages, if applicable); and

''(II) mathematics; and

''(iv) the previous schooling experiences of the students;

''(C) a description of the goals of the program;

''(D) a description of how the funds made available through the grant will be used to supplement the basic services provided to the immigrant students to be served;

''(E) a description of activities that will be pursued by the partnership through the program, including a description of—

''(i) how parents, students, and other members of the community, including members of private organizations and nonprofit organizations, will be involved in the design and implementation of the program;

''(ii) how the activities will further the academic achievement of immigrant students served through the program;

''(iii) methods of teacher training and parent education that will be used or developed through the program, including the dissemination of information to immigrant parents, that is easily understandable in the language of the parents, about educational programs and the rights of the parents to participate in educational decisions involving their children; and

''(iv) methods of coordinating comprehensive community social services to assist immigrant families;

''(F) a description of how the partnership will evaluate the progress of the partnership in achieving the goals of the program;

''(G) a description of how the local educational agency will disseminate information on model programs, materials, and other information developed under this section that the local educational agency determines to be appropriate for use by other local educational agencies in establishing similar programs to facilitate the educational achievement of immigrant students;

''(H) an assurance that the partnership will annually provide to the Secretary such information as may be required to determine the effectiveness of the program; and

''(I) any other information that the Secretary may require.

(f) SELECTION OF GRANTEES.—

''(1) CRITERIA.—The Secretary, through a peer review process, shall select partnerships to receive grants under this section on the basis of the quality of the programs proposed in the applications submitted under subsection (e), taking into consideration such factors as—

''(A) the extent to which the program proposed in such an application effectively addresses differences in language, culture, and customs;

''(B) the quality of the activities proposed by a partnership;

''(C) the extent of parental, student, and community involvement;

''(D) the extent to which comprehensive community social services are made available;

''(E) the quality of the plan for measuring and assessing success; and

''(F) the likelihood that the goals of the program will be achieved.

''(2) GEOGRAPHIC DISTRIBUTION OF PROGRAMS.—The Secretary shall approve applications under this section in a manner that ensures, to the extent practicable, that programs assisted under this section serve different areas of the Nation, including urban, suburban, and rural areas, with special attention to areas that are experiencing an influx of immigrant groups (including refugee groups), and that have limited prior experience in serving the immigrant community.

''(g) EVALUATION AND PROGRAM DEVELOPMENT.—

''(1) REQUIREMENT.—Each partnership receiving a grant under this section shall—

''(A) conduct a comprehensive evaluation of the program assisted under this section, including an evaluation of the impact of the program on students, teachers, administrators, parents, and others; and

''(B) prepare and submit to the Secretary a report containing the results of the evaluation.

''(2) EVALUATION REPORT COMPONENTS.—Each evaluation report submitted under this section for a program shall include—

''(A) data on the partnership's progress in achieving the goals of the program;

''(B) data showing the extent to which all students served by the program are meeting the State's student performance standards, including—

''(i) data comparing the students served to other students, with regard to grade retention and academic achievement in reading and language arts, in English and in the native languages of the students if the program develops native language proficiency, and in mathematics; and

''(ii) a description of how the activities carried out through the program are coordinated and integrated with the overall school program of the school in which the program described in this section is carried out, and with other Federal, State, or local programs serving limited English proficient students;

''(C) data showing the extent to which families served by the program have been afforded access to comprehensive community social services; and

''(D) such other information as the Secretary may require.

''(i) ADMINISTRATIVE FUNDS.—A partnership that receives a grant under this section may use not more than 5 percent of the grant funds received under this section for administrative purposes.

''(h)AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 2001 and such sums

as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 707. APPLICATIONS.

(a) STATE REVIEW AND COMMENTS.—Section 7116(b) (20 U.S.C. 7426(b)) is amended—

(1) in paragraph (1), by striking ''such'' and inserting ''the written comments of the agency on the''; and

(2) in paragraph (2)(B)—

(A) in the matter preceding clause (i), by striking ''how the eligible entity'';

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

''(i) how the activities to be carried out under the grant will further the academic achievement and English proficiency of limited English proficient students served under the grant; and''; and

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

''(ii) how the grant application is consistent with the State plan required under section 1111.''.

(b) REQUIRED DOCUMENTATION.—Section 7116(f) (20 U.S.C. 7426(f)) is amended to read as follows:

''(f) REQUIRED DOCUMENTATION.—Such application shall include documentation that—

''(1) the applicant has the qualified personnel required to develop, administer, and implement the program proposed in the application; and

''(2) the leadership personnel of each school participating in the program have been involved in the development and planning of the program in the school.''.

(c) CONTENTS.—Section 7116(g) (20 U.S.C. 7426(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''including data'' and all that follows and inserting the following: ''including—

''(i) data on the number of limited English proficient students in the school or school district to be served;

''(ii) the characteristics of such students, including—

''(I) the native languages of the students;

''(II) the proficiency of the students in English and their native language;

''(III) achievement data (current as of the date of submission of the application) for the limited English proficient students in—

''(aa) reading or language arts (in English and in the native language, if applicable); and

''(bb) mathematics;

''(IV) a comparison of that data for the students with that data for the English proficient peers of the students; and

''(V) the previous schooling experiences of the students;

''(iii) the professional development needs of the instructional personnel who will provide services for the limited English proficient students under the proposed program; and

''(iv) how the services provided through the grant would supplement the basic services provided to limited English proficient students.'';

(B) in subparagraph (B)—

(i) in clause (ii)—

(I) by striking '', the Goals 2000: Educate America Act''; and

(II) by striking ''section 14306'' and inserting ''section 6506'';

(ii) by redesignating clauses (ii) through (v) as clauses (iii) through (vi), respectively; and

(iii) by inserting after clause (i) the following:

''(ii) will ensure that the services provided through the program will supplement the basic services the applicant provides to limited English proficient students;''; and

(C) in subparagraph (E), by striking ''program'' and all that follows and inserting the following: ''program who, individually or in combination, are proficient in—

''(i) English, including written, as well as oral, communication skills; and

''(ii) the native language of the majority of the students that the teachers teach, if instruction in the program is in the native language as well as English.''; and

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking ''or 7115''.

(d) PRIORITIES AND SPECIAL RULES.—Section 7116(i) (20 U.S.C. 7426(i)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) PRIORITY.—In approving applications for grants for programs under this subpart, the Secretary shall give priority to an applicant who—

''(A) experiences a dramatic increase in the number or percentage of limited English proficient students enrolled in the applicant's programs and has limited or no experience in serving limited English proficient students;

''(B) is a local educational agency that serves a school district that has a total district enrollment that is less than 10,000 students;

''(C) demonstrates that the applicant has a proven record of success in helping limited English proficient children and youth learn English and meet high academic standards;

''(D) proposes programs that provide for the development of bilingual proficiency both in English and another language for all participating students; or

''(E) serves a school district with a large percentage or number of limited English proficient students.'';

(2) by striking paragraphs (2) and (3); and

(3) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

SEC. 708. REPEAL OF INTENSIFIED INSTRUCTION.

Section 7117 (20 U.S.C. 7427) is repealed.

SEC. 709. REPEAL OF SUBGRANTS, PRIORITY, AND COORDINATION PROVISIONS.

Sections 7119 through 7121 (20 U.S.C. 7429–7431) are repealed.

SEC. 710. EVALUATIONS.

Section 7123 (20 U.S.C. 7433) is amended to read as follows:

''SEC. 7123. EVALUATIONS.

''(a) EVALUATION.—Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report concerning the evaluation, in the form prescribed by the Secretary.

''(b) USE OF EVALUATION.—Such evaluation shall be used by the grant recipient—

''(1) for program improvement;

''(2) to further define the program's goals and objectives; and

''(3) to determine program effectiveness.

''(c) EVALUATION REPORT COMPONENTS.—In preparing the evaluation reports, the recipient shall—

''(1) use the data provided in the application submitted by the recipient under section 7116 as baseline data against which to report academic achievement and gains in English proficiency for students in the program;

''(2) disaggregate the results of the evaluation by gender, language groups, and whether the students have disabilities;

''(3) include data on the progress of the recipient in achieving the objectives of the program, including data demonstrating the extent to which students served by the program are meeting the State's student performance standards, and including data comparing limited English proficient students with English proficient students with regard to school retention and academic achievement in—

''(A) reading and language arts;

''(B) English proficiency;

''(C) mathematics; and

''(D) the native language of the students if the program develops native language proficiency;

''(4) include information on the extent that professional development activities carried out through the program have resulted in improved classroom practices and improved student performance;

''(5) include a description of how the activities carried out through the program are coordinated and integrated with the other Federal, State, or local programs serving limited English proficient children and youth; and

''(6) include such other information as the Secretary may require.''.

SEC. 711. RESEARCH.

Section 7132(c)(1) (20 U.S.C. 7452(c)(1)) is amended by striking ''under subpart 1 or 2'' and inserting ''under subpart 1 or 3 or this subpart''.

SEC. 712. ACADEMIC EXCELLENCE AWARDS.

Section 7133 (20 U.S.C. 7453) is amended to read as follows:

''SEC. 7133. ACADEMIC EXCELLENCE AWARDS.

''(a) AUTHORITY.—The Secretary may make grants to State educational agencies to assist the agencies in recognizing local educational agencies and other public and nonprofit entities whose programs have—

''(1) demonstrated significant progress in assisting limited English proficient students to learn English according to age appropriate and developmentally appropriate standards; and

''(2) demonstrated significant progress in assisting limited English proficient children and youth to meet, according to age appropriate and developmentally appropriate standards, the same challenging State content standards as all children and youth are expected to meet.

''(b) APPLICATIONS.—A State educational agency desiring a grant under this section shall include an application for such grant in the application submitted by the agency under section 7134(e).''.

SEC. 713. STATE GRANT PROGRAM.

(a) GRANT AMOUNT.—Section 7134(b) (20 U.S.C. 7454(b)) is amended by striking ''$100,000'' and inserting ''$200,000''.

(b) USE OF FUNDS.—Section 7134(c) (20 U.S.C. 7454(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''for programs authorized by this section'';

(B) by striking subparagraph (A) and inserting the following:

''(A) assist local educational agencies in the State with activities that—

''(i) consist of program design, capacity building, assessment of student performance, program evaluation, and development of data collection and accountability systems for limited English proficient students; and

''(ii) are aligned with State reform efforts; and''; and

(C) in subparagraph (B), by striking ''populations and'' and all that follows and inserting ''populations and document the services available to all such populations.'';

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SEC. 714. NATIONAL CLEARINGHOUSE.

Section 7135(b) (20 U.S.C. 7455(b)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4)—

(A) by striking ''described in part A of title XIII''; and

(B) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) publish, on an annual basis, a list of grant recipients under this title.''.

SEC. 715. INSTRUCTIONAL MATERIALS DEVELOPMENT.

Section 7136 (20 U.S.C. 7456) is amended, in the first sentence, by striking the period and inserting '', and in other low-incidence languages in the United States for which instructional materials are not readily available.''.

SEC. 716. TRAINING FOR ALL TEACHERS PROGRAM.

Section 7142 (20 U.S.C. 7472) is amended by striking subsections (b) and (c) and inserting the following:

''(b) AUTHORIZATION.—

''(1) AUTHORITY.—The Secretary may award grants under this section to—

''(A) local educational agencies; or

''(B) 1 or more local educational agencies in a consortium with 1 or more State educational agencies, institutions of higher education, or nonprofit organizations.

''(2) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 5 years.

''(c) AUTHORIZED ACTIVITIES.—

''(1) PROFESSIONAL DEVELOPMENT ACTIVITIES.—Grants awarded under this section shall be used to conduct high-quality, long-term professional development activities relating to meeting the needs of limited English proficient students, which may include—

''(A) developing and implementing induction programs for new teachers, including programs that provide mentoring and coaching by trained teachers, and team teaching with experienced teachers;

''(B) implementing school-based collaborative efforts among teachers to improve instruction in core academic areas, including reading, for students with limited English proficiency;

''(C) coordinating activities with other programs, such as programs carried out under titles I and II and the Head Start Act;

''(D) implementing programs that support effective teacher use of education technologies to improve instruction and assessment;

''(E) establishing and maintaining local professional networks;

''(F) developing curricular materials and assessments for teachers that are aligned with State and local standards and the needs of the limited English proficient students to be served; and

''(G) carrying out such other activities as are consistent with the purpose of this section.

''(2) PERMISSIBLE ACTIVITIES.—Activities conducted under this section may include the development of training programs in collaboration with other programs, such as programs authorized under titles I and II, and under the Head Start Act.''.

SEC. 717. GRADUATE FELLOWSHIPS.

Section 7145(a) (20 U.S.C. 7475(a)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 718. REPEAL OF PROGRAM REQUIREMENTS.

Section 7147 (20 U.S.C. 7477) is repealed.

SEC. 719. PROGRAM EVALUATIONS.

Section 7149 (20 U.S.C. 7479) is amended to read as follows:

''SEC. 7149. PROGRAM EVALUATIONS.

''Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report containing the evaluation. Such report shall include information on—

''(1) the number of participants served through the program, the number of participants who completed program requirements, and the number of participants who took positions in an instructional setting with limited English proficient students;

''(2) the effectiveness of the program in imparting the professional skills necessary for participants to achieve the objectives of the program; and

''(3) the teaching effectiveness of graduates of the program or other participants who have completed the program.''.

SEC. 720. SPECIAL RULE.

Section 7161 (20 U.S.C. 7491) is amended by striking ''Improving America's Schools Act of 1994'' and inserting ''Educational Excellence for All Children Act of 2000''.

SEC. 721. REPEAL OF FINDING RELATING TO FOREIGN LANGUAGE ASSISTANCE.

Section 7202 (20 U.S.C. 7512) is repealed.

SEC. 722. FOREIGN LANGUAGE ASSISTANCE APPLICATIONS.

Section 7204(b) (20 U.S.C. 7514(b)) is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(4) make effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study;

''(5) promote innovative activities such as foreign language immersion, partial foreign language immersion, or content-based instruction; and

''(6) are carried out through a consortium comprised of the agency receiving the grant and an elementary school or secondary school.''.

SEC. 723. EMERGENCY IMMIGRANT EDUCATION PURPOSE.

Section 7301 (20 U.S.C. 7541) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 7301. PURPOSE.'';

(2) by striking subsection (a); and

(3) in subsection (b), by striking ''(b) PURPOSE.—''.

SEC. 724. EMERGENCY IMMIGRANT EDUCATION STATE ADMINISTRATIVE COSTS.

Section 7302 (20 U.S.C. 7542) is amended by inserting after ''percent'' the following: ''(2 percent if the State educational agency distributes funds received under this part to local educational agencies on a competitive basis)''.

SEC. 725. CONFORMING AMENDMENTS.

(a) STATE ALLOCATIONS.—Section 7304(a) (20 U.S.C. 7544(a)) is amended by striking ''7301(b)'' and inserting ''7301''.

(b) REPORTS.—Section 7308(b) (20 U.S.C. 7548(b)) is amended by striking ''14701'' and inserting ''10201''.

SEC. 726. EMERGENCY IMMIGRANT EDUCATION AUTHORIZATION OF APPROPRIATIONS.

Section 7309 (20 U.S.C. 7549) is amended by striking ''$100,000,000 for fiscal year 1995'' and inserting ''$200,000,000 for fiscal year 2001''.

SEC. 727. COORDINATION AND REPORTING REQUIREMENTS.

Section 7405(d) (20 U.S.C. 7575(d)) is amended by striking ''Committee on Labor and Human Resources of the Senate and to the Committee on Education and Labor'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Education and the Workforce''.

TITLE VIII—IMPACT AID

SEC. 801. SHORT TITLE.

Title VIII (20 U.S.C. 7701 et seq.) is amended by inserting before section 8001 (20 U.S.C. 7701) the following:

''SEC. 8000. SHORT TITLE.

''This title may be cited as the 'Impact Aid Act'.''.

SEC. 802. PURPOSE.

Section 8001 (20 U.S.C. 7701) is amended—

(1) in paragraph (4), by inserting ''or'' after the semicolon;

(2) by striking paragraph (5); and

(3) by redesignating paragraph (6) as paragraph (5).

SEC. 803. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 (20 U.S.C. 7702) is amended—

(1) in the matter preceding paragraph (1) of subsection (a), by striking ''1999'' and inserting ''2005'';

(2) in subsection (b)(1)—

(A) in subparagraph (B), by striking ''ratably reduce the payment to each eligible local educational agency'' and inserting ''calculate the payment for each eligible local educational agency in accordance with subsection (h)''; and

(B) in subparagraph (C), by inserting ''or this section, whichever is greater'' before the period;

(3) by amending subsection (h) to read as follows:

''(h) DISTRIBUTION OF FUNDS WHEN THERE ARE INSUFFICIENT APPROPRIATIONS.—If the amount appropriated under section 8014(a) is insufficient to pay the full amount determined under subsection (b) for all local educational agencies for a fiscal year, then the Secretary shall calculate the payments the local educational agencies receive under this section for the fiscal year as follows:

''(1) FOUNDATION PAYMENTS FOR PRE-1995 RECIPIENTS.—First, the Secretary shall make a foundation payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year and was eligible to receive a payment under section 2 of Public Law 81–874 for any of the fiscal years 1989 through 1994. The Secretary shall make the payment by multiplying 37 percent by the payment the local educational agency was entitled to receive under such section 2 for fiscal year 1994 (or if the local educational agency did not receive a payment for fiscal year 1994, the payment that local educational agency was entitled to receive under such section 2 for the most recent fiscal year preceding 1994). If the funds appropriated under section 8014(a) for the fiscal year are insufficient to fully fund the foundation payments under this paragraph for the fiscal year, then the Secretary shall ratably reduce the foundation payments to each local educational agency under this paragraph.

''(2) PAYMENTS FOR 1995 RECIPIENTS.—From any funds remaining after making payments under paragraph (1) for the fiscal year for which the calculation is made that are the result of the calculation described in subparagraph (A), the Secretary shall make a payment to each local educational agency that received a payment under this section for fiscal year 1995 in accordance with the following rules:

''(A) Calculate the difference between the amount appropriated to carry out this section for fiscal year 1995 and the total amount of foundation payments made under paragraph (1) for the fiscal year for which the calculation is made.

''(B) Determine the percentage share for each local educational agency that received a payment under this section for fiscal year 1995 by dividing the assessed value of the Federal property of the local educational agency for fiscal year 1995, determined in accordance with subsection (b)(3), by the total national assessed value of the Federal property of all such local educational agencies for fiscal year 1995, as so determined.

''(C) Multiply the percentage share described in subparagraph (B) for the local educational agency by the amount determined under subparagraph (A).

''(3) SUBSECTION (i) RECIPIENTS.—From any funds remaining after making payments under paragraphs (1) and (2) for the fiscal year for which the calculation is made, the Secretary shall make payments in accordance with subsection (i).

''(4) REMAINING FUNDS.—From any funds remaining after making payments under paragraphs (1), (2), and (3) for the fiscal year for which the calculation is made—

''(A) the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) for the fiscal year for which the calculation is made in an amount that bears the same relation to 25 percent of the remainder as the amount the local educational agency received under paragraph (1) for the fiscal year for which the calculation is made bears to the amount all local educational agencies received under paragraph (1) for the fiscal year for which the calculation is made; and

''(B) the Secretary shall make a payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year for which the calculation is made in an amount that bears the same relation to 75 percent of the remainder as a percentage share determined for the local educational agency (in the same manner as percentage shares are determined for local educational agencies under paragraph (2)(B)) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year for which the calculation is made, except that for the purpose of calculating a local educational agency's assessed value of the Federal property, data from the most current fiscal year shall be used.'';

(4) in subsection (i)—

(A) in the subsection heading, by striking ''PRIORITY'' and inserting ''SPECIAL''; and

(B) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—For any fiscal year beginning with fiscal year 2000 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996 and for which subsection (b)(1)(B) applies, the Secretary shall use the remainder described in subsection (h)(3) for the fiscal year for which the calculation is made (not to exceed the amount equal to the difference between (A) the amount appropriated to carry out this section for fiscal year 1997 and (B) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2).'';

(5) in subsection (j)—

(A) in paragraph (2)—

(i) by striking ''(A) A local'' and inserting ''A local''; and

(ii) by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively; and

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking the semicolon and inserting a period; and

(II) by striking ''(A) The maximum'' and inserting ''The maximum''; and

(ii) by striking subparagraphs (B) and (C); and

(6) by adding at the end the following:

''(l) DATA; PRELIMINARY AND FINAL PAYMENTS.—The Secretary shall—

''(1) require any local educational agency that applied for a payment under subsection (b) for a fiscal year to submit expeditiously such data as may be necessary in order to compute the payment;

''(2) as soon as possible after the beginning of any fiscal year, but not later than 60 days after the date of enactment of an Act making appropriations to carry out this title for the fiscal year, provide a preliminary payment under subsection (b) for any local educational agency that applied for a payment under subsection (b) for the fiscal year, that has submitted the data described in paragraph (1), and that was eligible for such a payment for the preceding fiscal year, in the amount of 60 percent of the payment for the previous year; and

''(3) make every effort to provide a final payment under subsection (b) for any eligible local educational agency not later than 12 months after the application deadline established under section 8005(c).

''(m) ELIGIBILITY.—

''(1) OLD FEDERAL PROPERTY.—Except as provided in paragraph (2), a local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government before the date of enactment of the Educational Excellence for All Children Act of 2000 shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 5 years after the date of enactment.

''(2) COMBINED FEDERAL PROPERTY.—A local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government before the date of enactment of the Educational Excellence for All Children Act of 2000 shall be eligible to receive the payment if—

''(A) the Federal property, when combined with other Federal property in the school district served by the local educational agency acquired by the Federal Government after the date of enactment, meets the requirements of subsection (a); and

''(B) the local educational agency submits an application for a payment under this section not later than 5 years after the date of acquisition of the Federal property acquired after the date of enactment.

''(3) NEW FEDERAL PROPERTY.—A local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government after the date of enactment of the Educational Excellence for All Children Act of 2000 shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 5 years after the date of acquisition.

''(n) DISTRIBUTION OF FUNDS.—In calculating payments under this section for a local educational agency, any Federal funds received from a Federal agency (other than the Department of Education) for Federal lands located in a school district served by the local educational agency shall not be deducted from the payment unless the payment is for the maximum amount, as determined under subsection (b), the agency is eligible to receive under this section.''.

SEC. 804. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

(a) GENERAL AMENDMENTS.—Section 8003 (20 U.S.C. 7703) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by redesignating subparagraph (E) as subparagraph (F);

(ii) in subparagraph (D), by striking ''subparagraphs (D) and (E) of paragraph (1) by a factor of .10'' and inserting ''subparagraph (D) of paragraph (1) by a factor of .25''; and

(iii) by inserting after subparagraph (D) the following:

''(E) Multiply the number of children described in subparagraph (E) of paragraph (1) by a factor of .10.'';

(B) in paragraph (4)—

(i) by amending the paragraph heading to read as follows: ''HOUSING UNDERGOING RENOVATION OR REBUILDING'';

(ii) by striking ''For purposes'' and inserting the following:

''(A)(i) MILITARY HOUSING.—For purposes'';

(iii) in subparagraph (A)(i) (as designated by clause (ii)), by inserting ''or rebuilding'' after ''undergoing renovation''; and

(iv) by adding at the end the following:

''(ii) HOUSING ON INDIAN LAND.—For purposes of computing the amount of a payment for a local educational agency that received a payment for children described in paragraph (1)(C) in the fiscal year prior to the fiscal year for which the local educational agency is making application, but which the Secretary determines on the basis of a certification provided to the Secretary by a designated representative of the Department of the Interior or the Department of Housing and Urban Development, that such children did reside in housing on Indian land in accordance with paragraph (1)(C) in the previous fiscal year and would continue to reside in such housing except that such housing was undergoing renovation or rebuilding on the date for which the Secretary determines the number of children under paragraph (1).

''(B) LIMITATIONS.—(i)(I) Except as provided in subclause (III), children described in paragraph (1)(D)(i) may be deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding in accordance with subparagraph (A)(i) for a period not to exceed 2 fiscal years.

(II) Except as provided in subclause (III), children described in subparagraph (A)(ii) may be deemed to be children described in paragraph (1)(C) with respect to housing on Indian land undergoing renovation or rebuilding in accordance with subparagraph (A)(ii) for a period not to exceed 2 fiscal years.

(III) If the Secretary determines, on the basis of certification provided to the Secretary by a designated representative of the applicable Secretary, that the expected completion date of the renovation or rebuilding of the housing has been delayed by not less than 1 year, then—

''(aa) in the case of a determination made by the Secretary in the first fiscal year described in subclauses (I) or (II), the time period described in such subclauses shall be extended for an additional 2 years; and

''(bb) in the case of a determination made by the Secretary in the 2nd fiscal year described in subclauses (I) or (II), the time period described in such subclauses shall be extended by the Secretary for an additional 1 year.

''(ii) The number of children described in paragraph (1)(D)(i) who are deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding in accordance with subparagraph (A)(i) for any fiscal year may not exceed the maximum number of children who are expected to occupy that housing upon completion of the renovation or rebuilding.

''(iii) The number of children described in subparagraph (A)(ii) who are deemed to be children described in paragraph (1)(C) with respect to housing on Indian land undergoing renovation or rebuilding in accordance with subparagraph (A)(ii) for any fiscal year may not exceed the maximum number of children who are expected to occupy that housing

upon completion of the renovation or rebuilding.''; and

(C) by adding at the end the following:

''(5) MILITARY 'BUILD TO LEASE' PROGRAM HOUSING.—

''(A) IN GENERAL.—For purposes of computing the amount of payment for a local educational agency for children identified under paragraph (1), the Secretary shall consider children residing in housing initially acquired or constructed under the former section 2828(g) of title 10, United States Code (commonly known as the 'Build to Lease' program), as added by section 801 of the Military Construction Authorization Act, 1984, to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility upon which such housing is situated.

''(B) ADDITIONAL REQUIREMENTS.—If the property described in subparagraph (A) is not owned by the Federal Government, is subject to taxation by a State or political subdivision of a State, and thereby generates revenues for a local educational agency that is applying to receive a payment under this section, then the Secretary—

''(i) shall require the local educational agency to provide certification from an appropriate official of the Department of Defense that the property is being used to provide military housing; and

''(ii) shall reduce the amount of the payment under this section by an amount equal to the amount of revenue from such taxation received in the second preceding fiscal year by such local educational agency, unless the amount of such revenue was taken into account by the State for such second preceding fiscal year and already resulted in a reduction in the amount of State aid paid to such local educational agency.'';

(2) in subsection (b)(1), by adding at the end the following:

''(D) DATA.—If satisfactory data from the third preceding fiscal year are not available for any of the expenditures described in clause (i) or (ii) of subparagraph (C), the Secretary shall use data from the most recent fiscal year for which data that are satisfactory to the Secretary are available.

''(E) SPECIAL RULE.—For the purpose of determining the comparable local contribution rate under subparagraph (C)(iii) for a local educational agency described in section 222.39(c)(3) of title 34, Code of Federal Regulations, that had its comparable local contribution rate for fiscal year 1998 calculated pursuant to section 222.39 of title 34, Code of Federal Regulations, the Secretary shall determine as the local educational agency's minimum comparable local contribution rate the local contribution rate upon which payments under this subsection for fiscal year 2000 were made to the local educational agency adjusted by the percentage increase or decrease in the per pupil expenditure in the State serving the local educational agency calculated on the basis of the second most recent preceding school year compared to the third most recent preceding school year for which school year data are available.'';

(3) in subsection (d)(2), by striking ''a free appropriate public education'' and inserting ''services'';

(4) by amending subsection (e) to read as follows:

''(e) HOLD HARMLESS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the total amount the Secretary shall pay a local educational agency under this section for fiscal year 2001 and each succeeding fiscal year shall not be less than—

''(A) the result obtained by dividing the amount received by the local educational agency under this subsection for fiscal year 2000 by the total weighted student units calculated for the local educational agency under subsection (a)(2) for fiscal year 2000; multiplied by

''(B) the total weighted student units calculated for the local educational agency under subsection (a)(2) (as such subsection was in effect on the day preceding the date of enactment of the Educational Excellence for All Children Act of 2000) for the fiscal year for which the determination is made.

''(2) RATABLE REDUCTIONS.—

''(A) IN GENERAL.—If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) for such year, then the Secretary shall ratably reduce the payments to all such agencies for such year.

''(B) ADDITIONAL FUNDS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.'';

(5) by striking subsections (f) and (g); and

(6) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(b) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—Section 8003(b) (20 U.S.C. 7703(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

''(A) IN GENERAL.—(i) From the amount appropriated under section 8014(b) for a fiscal year, the Secretary is authorized to make basic support payments to eligible heavily impacted local educational agencies with children described in subsection (a).

''(ii) A local educational agency that receives a basic support payment under this paragraph for a fiscal year shall not be eligible to receive a basic support payment under paragraph (1) for that fiscal year.

''(B) ELIGIBILITY FOR CONTINUING HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

''(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

(I) received an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Educational Excellence for All Children Act of 2000) for fiscal year 2000; and

''(II)(aa) is a local educational agency whose boundaries are the same as a Federal military installation;

''(bb) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 35 percent, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement, and has a tax rate for general fund purposes which is not less than 95 percent of the average tax rate for general fund purposes of local educational agencies in the State;

''(cc) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 30 percent, and has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for local educational agencies in the State;

''(dd) has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

''(ee) meets the requirements of subsection (f)(2) applying the data requirements of subsection (f)(4) (as such subsections were in effect on the day before the date of the enactment of the Educational Excellence for All Children Act of 2000).

''(ii) LOSS OF ELIGIBILITY.—A heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment under subparagraph (A) if the agency fails to meet the requirements of clause (i) for a subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

''(iii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements of clause (i) for that subsequent fiscal year, except that such agency shall not receive a basic support payment under this paragraph until the fiscal year succeeding the fiscal year for which the eligibility determination is made.

''(C) ELIGIBILITY FOR NEW HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

''(i) IN GENERAL.—A heavily impacted local educational agency that did not receive an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Educational Excellence for All Children Act of 2000) for fiscal year 2000 is eligible to receive a basic support payment under subparagraph (A) for fiscal year 2002 and any subsequent fiscal year with respect to a number of children determined under subsection (a)(1) only if the agency is a local educational agency whose boundaries are the same as a Federal military installation, or the agency—

''(I) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that—

''(aa) is not less than 50 percent if such agency receives a payment on behalf of children described in subparagraphs (F) and (G) of such subsection; or

''(bb) is not less than 40 percent if such agency does not receive a payment on behalf of such children;

''(II)(aa) for a local educational agency that has a total student enrollment of 350 or more students, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located; or

''(bb) for a local educational agency that has a total student enrollment of less than 350 students, has a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local educational agency in the State in which the agency is located, as defined in regulations promulgated by the Secretary; and

''(III) has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of local educational agencies in the State.

''(ii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency is a local educational agency whose boundaries are the same as a Federal military installation, or meets the requirements of clause (i), for that subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

''(iii) APPLICATION.—With respect to the first fiscal year for which a heavily impacted local educational agency described in clause (i) applies for a basic support payment under subparagraph (A), or with respect to the first fiscal year for which a heavily impacted local educational agency applies for a basic support payment under subparagraph (A) after becoming ineligible under clause (i) for 1 or more preceding fiscal years, the agency shall apply for such payment at least 1 year prior to the start of that first fiscal year.

''(D) MAXIMUM AMOUNT FOR REGULAR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i) Except as provided in subparagraph (E), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by the greater of—

''(I) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or

''(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

''(ii)(I) For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), the Secretary shall calculate the weighted student units of such children for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 0.55.

''(II) For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.

''(III) For a local educational agency that has an enrollment of more than 100 but not more than 750 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

''(iii) Notwithstanding subsection (a)(3), the Secretary shall compute the payment for a heavily impacted local educational agency under this subparagraph for all children described in subsection (a)(1) that are served by the agency.

''(E) MAXIMUM AMOUNT FOR LARGE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i)(I) Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

''(II) A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

''(ii) For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.

''(F) DATA.—For purposes of providing assistance under this paragraph the Secretary shall use student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph.''.

(c) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—Section 8003(b)(3) (20 U.S.C. 7703(b)(3)) (as so redesignated) is amended—

(1) in subparagraph (A), by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)'';

(2) in subparagraph (B)—

(A) in the heading, by inserting after ''PAYMENTS'' the following: ''IN LIEU OF PAYMENTS UNDER PARAGRAPH (1)''; and

(B) in clause (i)—

(i) in the matter preceding subclause (I), by inserting before ''by multiplying'' the following: ''in lieu of basic support payments under paragraph (1)''; and

(ii) in subclause (II), by striking ''(not including amounts received under subsection (f))'';

(3) by redesignating subparagraph (C) as subparagraph (D);

(4) by inserting after subparagraph (B) the following:

''(C) LEARNING OPPORTUNITY THRESHOLD PAYMENTS IN LIEU OF PAYMENTS UNDER PARAGRAPH (2).—For fiscal years described in subparagraph (A), the learning opportunity threshold payment in lieu of basic support payments under paragraph (2) shall be equal to the amount obtained under subparagraph (D) or (E) of paragraph (2), as the case may be.''; and

(5) in subparagraph (D) (as so redesignated), by striking ''computation made under subparagraph (B)'' and inserting ''computations made under subparagraphs (B) and (C)''.

(d) CONFORMING AMENDMENTS.—Section 8003 (20 U.S.C. 7703) is amended—

(1) in the matter preceding subparagraph (A) of subsection (a)(1), by striking ''subsection (b), (d), or (f)'' and inserting ''subsection (b) or (d)'';

(2) in subsection (b)—

(A) in paragraph (1)(C), in the matter preceding clause (i), by striking ''this subsection'' and inserting ''this paragraph''; and

(B) in paragraph (4) (as so redesignated)—

(i) in subparagraph (A), by striking ''paragraphs (1)(B), (1)(C), and (2) of this subsection'' and inserting ''subparagraphs (B) and (C) of paragraph (1) or subparagraphs (B) through (D) of paragraph (2), as the case may be, paragraph (3) of this subsection''; and

(ii) in subparagraph (B)—

(I) by inserting after ''paragraph (1)(C)'' the following: ''or subparagraph (D) or (E) of paragraph (2), as the case may be,''; and

(II) by striking ''paragraph (2)(B)'' and inserting ''subparagraph (B) or (C) of paragraph (3), as the case may be,'';

(3) in subsection (c)(1), by striking ''paragraph (2) and subsection (f)'' and inserting ''subsections (b)(1)(D), (b)(2), and paragraph (2)''; and

(4) in subsection (h), by striking ''section 6'' and all that follows through ''1994)'' and inserting ''section 386 of the National Defense Authorization Act for Fiscal Year 1993''.

(e) EFFECTIVE DATE.—The time limits imposed by the amendments made by subsection (a)(1)(B)(iv) shall apply with respect to payments made to a local educational agency for fiscal years beginning on or after the date of the enactment of this Act.

SEC. 805. SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS.

Section 8006 (20 U.S.C. 7706) is repealed.

SEC. 806. SCHOOL CONSTRUCTION AND FACILITY MODERNIZATION.

(a) SCHOOL CONSTRUCTION.—Section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) is amended to read as follows:

''SEC. 8007. SCHOOL CONSTRUCTION.

''(a) PAYMENTS AUTHORIZED FOR SCHOOL CONSTRUCTION.—From 20 percent of the amount appropriated for each fiscal year under section 8014(d), the Secretary shall make payments to each local educational agency—

''(1) that receives a basic payment under section 8003(b); and

''(2)(A) in which the number of children determined under section 8003(a)(1)(C) constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year;

''(B) in which the number of children determined under subparagraphs (B) and (D)(i) of section 8003(a)(1) constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made; or

''(C) that receives assistance under section 8003(b)(2) for the fiscal year preceding the school year for which the determination is made.

''(b) AMOUNT OF PAYMENTS.—The amount of a payment to each such agency for a fiscal year shall be equal to—

''(1) the amount made available under subsection (a) for the fiscal year; divided by

''(2) the remainder of—

''(A) the number of children determined under section 8003(a)(2) for all local educational agencies described in subsection (a) for the fiscal year; minus

''(B) the number of children attending a school facility described in section 8008(a) for which the Secretary provided assistance under section 8008(a) for the previous fiscal year; multiplied by

''(3) the sum of the number of children described in paragraph (2) determined for such agency for the fiscal year.

''(c) USE OF FUNDS.—Any local educational agency that receives funds under this section shall use such funds for construction, as defined in section 8013(3).''.

(b) SCHOOL FACILITY MODERNIZATION.—Title VIII of such Act (20 U.S.C. 7701 et seq.) is amended by inserting after section 8007 (20 U.S.C. 7707) the following:

''SEC. 8007A. SCHOOL FACILITY MODERNIZATION.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—From 80 percent of the amount appropriated for each fiscal year under section 8014(d), the Secretary shall award grants to eligible local educational agencies to enable the local educational agencies to carry out modernization of school facilities.

''(2) ALLOCATION AMONG ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The Secretary shall allocate—

''(A) 45 percent of the amount made available under paragraph (1) for each fiscal year for grants to local educational agencies described in clause (i) or (ii) of subsection (b)(2)(A);

''(B) 45 percent of such amount for grants to local educational agencies described in subsection (b)(2)(B); and

''(C) 10 percent of such amount for grants to local educational agencies described in subsection (b)(2)(C).

''(3) SPECIAL RULE.—A local educational agency described in subsection (b)(2)(B) may use grant funds made available under this section for a school facility located on or near Federal property only if the school facility is located at a school where not less than 50 percent of the children in average daily attendance in the school for the preceding school year are children for which a determination is made under section 8003(a)(1).

''(b) ELIGIBILITY REQUIREMENTS.—A local educational agency is eligible to receive funds under this section only if—

''(1) such agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, such agency's fiscal agent) has no capacity to issue bonds or is at such agency's limit in bonded indebtedness for the purposes of generating funds for capital expenditures, except that a local educational agency that is eligible to receive funds under section 8003(b)(2) shall be deemed to have met the requirements of this paragraph; and

''(2)(A)(i) such agency received assistance under section 8002(a) and has an assessed value of taxable property per student in the school district that is less than the average of the assessed value of taxable property per student in the State in which the local educational agency is located; or

''(ii) had an enrollment of children determined under section 8003(a)(1)(C) which constituted at least 25 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made;

''(B) such agency received assistance under section 8003(b) and had an enrollment of children determined under subparagraphs (A), (B), and (D) of section 8003(a)(1) which constituted at least 25 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made; or

''(C) such agency had an enrollment of children determined under section 8003(a)(1)(C) which constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made, and has a school facility emergency, as determined by the Secretary, that poses a health or safety hazard to the students and school personnel assigned to the school facility.

''(c) AWARD CRITERIA.—In awarding grants under this section the Secretary shall consider 1 or more of the following factors:

''(1) The extent to which the local educational agency lacks the fiscal capacity to undertake the modernization project without Federal assistance.

''(2) The extent to which property in the local educational agency is nontaxable due to the presence of the Federal Government.

''(3) The extent to which the local educational agency serves high numbers or percentages of children described in subparagraphs (A), (B), (C), and (D) of section 8003(a)(1).

''(4) The need for modernization to meet—

''(A) the threat that the condition of the school facility poses to the safety and well-being of students;

''(B) overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment; and

''(C) facility needs resulting from actions of the Federal Government.

''(5) The age of the school facility to be modernized.

''(d) OTHER AWARD PROVISIONS.—

''(1) AMOUNT CONSIDERATION.—In determining the amount of a grant awarded under this section, the Secretary shall consider the cost of the modernization and the ability of the local educational agency to produce sufficient funds to carry out the activities for which assistance is sought.

''(2) FEDERAL SHARE.—The Federal funds provided to a local educational agency under this section shall not exceed 50 percent of the total cost of the project to be assisted under this section. A local educational agency may use in-kind contributions to meet the matching requirement of the preceding sentence.

''(3) MAXIMUM GRANT.—A local educational agency may not receive a grant under this section in an amount that exceeds $3,000,000 during any 5-year period.

''(e) APPLICATIONS.—A local educational agency desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall contain—

''(1) documentation of the agency's lack of bonding capacity;

''(2) a listing of the school facilities to be modernized, including the number and percentage of children determined under section 8003(a)(1) in average daily attendance in each school facility;

''(3) a description of the ownership of the property on which the current school facility is located or on which the planned school facility will be located;

''(4) a description of any school facility deficiency that poses a health or safety hazard to the occupants of the school facility and a description of how that deficiency will be repaired;

''(5) a description of the modernization to be supported with funds provided under this section;

''(6) a cost estimate of the proposed modernization; and

''(7) such other information and assurances as the Secretary may reasonably require.

''(f) EMERGENCY GRANTS.—

''(1) APPLICATIONS.—Each local educational agency described in subsection (b)(2)(C) that desires a grant under this section shall include in the application submitted under subsection (e) a signed statement from an appropriate State official certifying that a health or safety deficiency exists.

''(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—Paragraphs (2) and (3) of subsection (d) shall not apply to grants under this section awarded to local educational agencies described in subsection (b)(2)(C).

''(3) SPECIAL RULES.—The Secretary shall make every effort to meet fully the school facility needs of local educational agencies described in subsection (b)(2)(C).

''(4) PRIORITY.—If the Secretary receives more than 1 application from local educational agencies described in subsection (b)(2)(C) for grants under this section for any fiscal year, the Secretary shall give priority to local educational agencies based on when an application was received and the severity of the emergency as determined by the Secretary.

''(5) CONSIDERATION FOR FOLLOWING YEAR.—A local educational agency described in subsection (b)(2)(C) that applies for a grant under this section for any fiscal year and does not receive the grant shall have the application for the grant considered for the following fiscal year, subject to the priority described in paragraph (4).

''(g) GENERAL LIMITATIONS.—

''(1) REAL PROPERTY.—No part of any grant funds awarded under this section shall be used for the acquisition of any interest in real property.

''(2) MAINTENANCE.—Nothing in this section shall be construed to authorize the payment of maintenance costs in connection with any school facilities modernized in whole or in part with Federal funds provided under this section.

''(3) ENVIRONMENTAL SAFEGUARDS.—All projects carried out with Federal funds provided under this section shall comply with all relevant Federal, State, and local environmental laws and regulations.

''(4) ATHLETIC AND SIMILAR SCHOOL FACILITIES.—No Federal funds received under this section shall be used for outdoor stadiums or other school facilities that are primarily used for athletic contests or exhibitions, or other events, for which admission is charged to the general public.

''(h) SUPPLEMENT NOT SUPPLANT.—An eligible local educational agency shall use funds received under this section only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the modernization of school facilities used for educational purposes, and not to supplant such funds.''.

SEC. 807. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

Section 8009 (20 U.S.C. 7709) is amended—

(1) in subsection (a)(1), by striking ''or under'' and all that follows through ''of 1994)'';

(2) by amending subsection (b)(1) to read as follows:

''(1) IN GENERAL.—A State may reduce State aid to a local educational agency that receives a payment under section 8002 or 8003(b) (except the amount calculated in excess of 1.0 under section 8003(a)(2)(B)) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that the State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in the State.''; and

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter proceeding subparagraph (A), by striking ''or under'' and all that follows through ''of 1994)''; and

(ii) in subparagraph (B), by striking ''or under'' and all that follows through ''of 1994)''; and

(B) in paragraph (2), by striking ''or under'' and all that follows through ''of 1994)''.

SEC. 808. FEDERAL ADMINISTRATION.

Section 8010(c) (20 U.S.C. 7710(c)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) in paragraph (1) (as so redesignated), by striking ''paragraph (3)'' each place the term appears and inserting ''paragraph (2)''; and

(4) in paragraph (2) (as so redesignated)—

(A) in subparagraph (D), by striking ''section 5(d)(2)'' and all that follows through ''of 1994) or''; and

(B) in subparagraph (E)—

(i) by striking ''1994'' and inserting ''1999'';

(ii) by striking ''(or such section's predecessor authority)''; and

(iii) by striking ''paragraph (2)'' and inserting ''paragraph (1)''.

SEC. 809. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

Section 8011(a) (20 U.S.C. 7711(a)) is amended—

(1) by striking ''the Act'' and all that follows through ''of 1994)'' and inserting ''this title's predecessor authorities''; and

(2) by inserting before the period '', if a request for such hearing is submitted to the Secretary by the affected local educational agency or State educational agency not later than 60 days after receiving notice that such action has occurred''.

SEC. 810. FORGIVENESS OF OVERPAYMENTS.

The matter preceding paragraph (1) of section 8012 (20 U.S.C. 7712) is amended by striking ''under the Act'' and all that follows through ''of 1994)'' and inserting ''under this title's predecessor authorities''.

SEC. 811. APPLICABILITY.

Title VIII is amended by inserting after section 8012 (20 U.S.C. 7712) the following:

''SEC. 8012A. APPLICABILITY TO THIS TITLE.

''Part B of title IV, parts D, E, and F of title VI, and part A of title X, shall not apply to this title.''.

SEC. 812. DEFINITIONS.

Section 8013 (20 U.S.C. 7713) is amended—

(1) in the first sentence of paragraph (4), by striking ''title VI'' and inserting ''part A of title VI'';

(2) in paragraph (5)—

(A) in subparagraph (A)(iii)—

(i) in subclause (I)—

(I) by striking ''low-rent'' and inserting ''low-income''; and

(II) by striking ''or'' after the semicolon; and

(ii) by adding at the end the following:

''(III) used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996; or''; and

(B) in subparagraph (F)(i), by striking ''the mutual'' and all that follows through ''1937'' and inserting ''or authorized by the Native American Housing Assistance and Self-Determination Act of 1996'';

(3) in paragraph (8)(B), by striking ''all States'' and inserting ''the 50 States and the District of Columbia'';

(4) in paragraph (9)(B)(i), by striking ''or the Act'' and all that follows through ''of 1994)'' and inserting ''(or under this title's predecessor authorities)'';

(5) by redesignating paragraphs (11) and (12) as paragraphs (12) and (13), respectively;

(6) by inserting after paragraph (10) the following:

''(11) MODERNIZATION.—The term 'modernization' means repair, renovation, alteration, or construction, including—

''(A) the concurrent installation of equipment; and

''(B) the complete or partial replacement of an existing school facility, but only if such replacement is less expensive and more cost-effective than repair, renovation, or alteration of the school facility.''; and

(7) by amending paragraph (13) (as so redesignated) to read as follows:

''(13) SCHOOL FACILITY.—The term 'school facility' includes—

''(A) a classroom, laboratory, library, media center, or related facility, the primary purpose of which is the instruction of public elementary school or secondary school students; and

''(B) equipment, machinery, and utilities necessary or appropriate for school purposes.''.

SEC. 813. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 8014 (20 U.S.C. 7714) is amended—

(1) in subsection (a), by striking ''$16,750,000 for fiscal year 1995'' and inserting ''$35,000,000 for fiscal year 2001'';

(2) by amending subsection (b) to read as follows:

''(b) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—For the purpose of making payments under subsection (b) of section 8003, there are authorized to be appropriated $875,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.'';

(3) in subsection (c), by striking ''$45,000,000 for fiscal year 1995'' and inserting ''$60,000,000 for fiscal year 2001'';

(4) by striking subsection (d);

(5) by redesignating subsections (e), (f) and (g) as subsections (d), (e) and (f), respectively;

(6) in subsection (d) (as so redesignated)—

(A) in the subsection heading by inserting ''AND FACILITY MODERNIZATION'' after ''CONSTRUCTION'';

(B) by striking ''section 8007'' and inserting ''sections 8007 and 8007A''; and

(C) by striking ''$25,000,000 for fiscal year 1995'' and inserting ''$62,500,000 for fiscal year 2001'';

(7) in subsection (e) (as so redesignated), by striking $2,000,000 for fiscal year 1995'' and inserting ''$7,000,000 for fiscal year 2001''; and

(8) in subsection (f) (as so redesignated), by striking ''such sums as are necessary beginning in fiscal year 1998 and for each succeeding fiscal year'' and inserting ''$500,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years''.

(b) CONFORMING AMENDMENTS.—Title VIII (20 U.S.C. 7701 et seq.) is amended—

(1) in section 8002(j)(1) (20 U.S.C. 7702(j)(1)), by striking ''8014(g)'' and inserting ''8014(f)''; and

(2) in section 8008(a) (20 U.S.C. 7708(a)), by striking ''8014(f)'' and inserting ''8014(e)''.

SEC. 814. TECHNICAL AND CONFORMING AMENDMENT.

Section 426 of the General Education Provisions Act (20 U.S.C. 1228) is amended by striking ''subsections (d) and (g) of section 8003'' and inserting ''section 8003(d)''.

TITLE IX—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

SEC. 901. PROGRAMS.

Title IX (20 U.S.C. 7801 et seq.) is amended to read as follows:

''TITLE IX—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

''PART A—INDIAN EDUCATION

''SEC. 9101. FINDINGS.

''Congress finds that—

''(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

''(A) are based on high-quality, internationally competitive content standards and student performance standards, and build on Indian culture and the Indian community;

''(B) assist local educational agencies, Indian tribes, and other entities and individuals in providing Indian students the opportunity to achieve the standards described in subparagraph (A); and

''(C) meet the unique educational and culturally related academic needs of American Indian and Alaska Native students;

''(2) since the date of enactment of the Indian Education Act in 1972, the level of involvement of Indian parents in the planning, development, and implementation of educational programs that affect such parents and their children has increased significantly, and schools should continue to foster such involvement;

''(3) although the number of Indian teachers, administrators, and university professors has increased since 1972, teacher training programs are not recruiting, training, or retraining a sufficient number of Indian individuals as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

''(4) the dropout rate for Indian students is unacceptably high: 9 percent of Indian students who were eighth graders in 1988 had already dropped out of school by 1990;

''(5) during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and their families; and

''(6) research related specifically to the education of Indian children and adults is very limited, and much of the research is of poor quality or is focused on limited local or regional issues.

''SEC. 9102. PURPOSE.

''(a) PURPOSE.—The purpose of this part is to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the same challenging State performance standards as are expected for all students.

''(b) PROGRAMS.—This part carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

''(1) meeting the unique educational and culturally related academic needs of American Indians and Alaska Natives;

''(2) the education of Indian children and adults;

''(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

''(4) research, evaluation, data collection, and technical assistance.

''Subpart 1—Formula Grants to Local Educational Agencies

''SEC. 9111. PURPOSE.

''The purpose of this subpart is to support local educational agencies in their efforts to reform elementary school and secondary school programs that serve Indian students in order to ensure that such programs—

''(1) are based on challenging State content standards and State student performance standards that are used for all students; and

''(2) are designed to assist Indian students to meet those standards and assist the Nation in reaching the National Education Goals.

''SEC. 9112. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) IN GENERAL.—The Secretary may make grants to local educational agencies and Indian tribes in accordance with this section.

''(b) LOCAL EDUCATIONAL AGENCIES.—

''(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children who are eligible under section 9117, and who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

''(A) was at least 10; or

''(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

''(2) EXCLUSION.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.

''(c) INDIAN TRIBES.—

''(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a parent committee under section 9114(c)(4), an

Indian tribe that represents not less than ½ of the eligible Indian children who are served by such local educational agency may apply for such grant by submitting an application in accordance with section 9114.

''(2) SPECIAL RULE.—The Secretary shall treat each Indian tribe applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this subpart, except that any such tribe shall not be subject to section 9114(c)(4) (relating to a parent committee), section 9118(c) (relating to maintenance of effort), or section 9119 (relating to State review of applications).

''SEC. 9113. AMOUNT OF GRANTS.

''(a) AMOUNT OF GRANT AWARDS.—

''(1) IN GENERAL.—Except as provided in subsections (c) and (d), for purposes of making grants under this subpart the Secretary shall allocate to each local educational agency that has an approved application under this subpart an amount equal to the product of—

''(A) the number of Indian children who are eligible under section 9117 and served by such agency; and

''(B) the greater of—

''(i) the average per-pupil expenditure of the State in which such agency is located; or

''(ii) 80 percent of the average per-pupil expenditure of all the States.

''(2) REDUCTION.—The Secretary shall reduce the amount of each allocation determined under paragraph (1) or subsection (b) in accordance with subsection (c).

''(b) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—

''(1) IN GENERAL.—In addition to the grants awarded under subsection (a), and subject to paragraph (2), for purposes of making grants under this subpart the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

''(A) the total number of Indian children enrolled in schools that are operated by—

''(i) the Bureau of Indian Affairs; or

''(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of such tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

''(B) the greater of—

''(i) the average per-pupil expenditure of the State in which the school is located; or

''(ii) 80 percent of the average per-pupil expenditure of all the States.

''(2) SPECIAL RULE.—Any school described in paragraph (1) may apply for an allocation under this subpart by submitting an application in accordance with section 9114. The Secretary shall treat the school as if the school were a local educational agency for purposes of this subpart, except that any such school shall not be subject to section 9114(c)(4), 9118(c), or 9119.

''(c) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 9162(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a) and for the Secretary of the Interior under subsection (b), each of those amounts shall be ratably reduced.

''(d) MINIMUM GRANT.—

''(1) IN GENERAL.—Notwithstanding subsection (c), a local educational agency (including an Indian tribe as authorized under section 9112(b)) that is eligible for a grant under section 9112, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (b), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than $3,000.

''(2) CONSORTIA.—Local educational agencies may form a consortium for the purpose of obtaining grants under this subpart.

''(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grant recipients if the Secretary determines such increase is necessary to ensure quality programs.

''(e) DEFINITION.—In this section, the term 'average per-pupil expenditure', for a State, means an amount equal to—

''(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

''(2) the aggregate number of children who were included in average daily attendance and for whom such agencies provided free public education during such preceding fiscal year.

''SEC. 9114. APPLICATIONS.

''(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

''(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

''(2)(A) is consistent with the State and local plans submitted under other provisions of this Act; and

''(B) includes academic content and student performance goals for such children, and benchmarks for attaining such goals, that are based on the challenging State standards adopted under title I for all children;

''(3) explains how Federal, State, and local programs, especially programs carried out under title I, will meet the needs of such students;

''(4) demonstrates how funds made available under this subpart will be used for activities described in section 9115;

''(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

''(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

''(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; and

''(6) describes how the local educational agency—

''(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

''(B) will provide the results of each assessment referred to in subparagraph (A) to—

''(i) the committee of parents described in subsection (c)(4); and

''(ii) the community served by the local educational agency; and

''(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).

''(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

''(1) the local educational agency will use funds received under this subpart only to supplement the funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for the education of Indian children, and not to supplant such funds;

''(2) the local educational agency will prepare and submit to the Secretary such reports, in such form and containing such information, as the Secretary may require to—

''(A) carry out the functions of the Secretary under this subpart; and

''(B) determine the extent to which activities carried out with funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students served by such agency;

''(3) the program for which assistance is sought—

''(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

''(B) will use the best available talents and resources, including individuals from the Indian community; and

''(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including through public hearings held by such agency to provide to the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

''(4) the local educational agency developed the program with the participation and written approval of a committee—

''(A) that is composed of, and selected by—

''(i) parents of Indian children in the local educational agency's schools and teachers in the schools; and

''(ii) if appropriate, Indian students attending secondary schools of the agency;

''(B) a majority of whose members are parents of Indian children;

''(C) that has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

''(D) with respect to an application describing a schoolwide program carried out in accordance with section 9115(c), that has—

''(i) reviewed in a timely fashion the program; and

''(ii) determined that the program will enhance the availability of culturally related activities for American Indian and Alaska Native students; and

''(E) that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

''SEC. 9115. AUTHORIZED SERVICES AND ACTIVITIES.

''(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 9111, for services and activities that—

''(1) are designed to carry out the comprehensive program of the local educational

agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 9114;

''(2) are designed with special regard for the language and cultural needs of the Indian students; and

''(3) supplement and enrich the regular school program of such agency.

''(b) PARTICULAR SERVICES AND ACTIVITIES.—The services and activities referred to in subsection (a) may include—

''(1) culturally related activities that support the program described in the application submitted by the local educational agency;

''(2) early childhood and family programs that emphasize school readiness;

''(3) enrichment programs that focus on problem-solving and cognitive skills development and directly support the attainment of challenging State content standards and State student performance standards;

''(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

''(5) career preparation activities to enable Indian students to participate in programs such as the programs supported by Public Law 103–239 and Public Law 88–210, including programs for tech-prep, mentoring, and apprenticeship activities;

''(6) activities to educate individuals concerning substance abuse and to prevent substance abuse;

''(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purpose described in section 9111;

''(8) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

''(9) activities that incorporate American Indian and Alaska Native specific curriculum content, consistent with State standards, into the curriculum used by the local educational agency;

''(10) activities to promote coordination and collaboration between tribal, Federal, and State public schools in areas that will improve American Indian and Alaska Native student achievement; and

''(11) family literacy services.

''(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

''(1) the committee composed of parents established pursuant to section 9114(c)(4) approves the use of the funds for the schoolwide program; and

''(2) the schoolwide program is consistent with the purpose described in section 9111.

''(d) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available to a local educational agency through a grant made under this subpart for a fiscal year may be used to pay for administrative costs.

''SEC. 9116. INTEGRATION OF SERVICES AUTHORIZED.

''(a) PLAN.—An entity receiving funds under this subpart may submit a plan to the Secretary for a demonstration project for the integration of education and related services provided to Indian students.

''(b) CONSOLIDATION OF PROGRAMS.—Upon the receipt of an acceptable plan under subsection (a), the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the applicant, shall authorize the applicant to consolidate, in accordance with such plan, the federally funded education and related services programs of the applicant and the agencies, or portions of the programs, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

''(c) PROGRAMS AFFECTED.—The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (b) shall include funds for any Federal program exclusively serving Indian children, or the funds reserved exclusively to serve Indian children under any program, for which the applicant is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services for Indian students.

''(d) PLAN REQUIREMENTS.—For a plan to be acceptable pursuant to subsection (b), the plan shall—

''(1) identify the programs or funding sources to be consolidated;

''(2) be consistent with the objectives of this section authorizing the program services to be integrated in a demonstration project;

''(3) describe a comprehensive strategy that identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the objectives set forth in this subpart;

''(4) describe the way in which the services are to be integrated and delivered and the results expected from the plan;

''(5) identify the projected expenditures under the plan in a single budget;

''(6) identify the State, tribal, or local agencies to be involved in the delivery of the services integrated under the plan;

''(7) identify any statutory provisions, regulations, policies, or procedures that the applicant believes need to be waived in order to implement the plan;

''(8) set forth measures of student achievement and performance goals designed to be met within a specified period of time for activities provided under the plan; and

''(9) be approved by a parent committee formed in accordance with section 9114(c)(4), if such a committee exists, in consultation with the Committee on Resources of the House of Representatives and the Committee on Indian Affairs of the Senate.

''(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the head of each Federal agency providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal regulations, policies, or procedures necessary to enable the applicant to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected agency shall have the authority to waive, for the applicant, any regulation, policy, or procedure promulgated by that agency that has been so identified by the applicant or agency, unless the head of the affected agency determines that such a waiver is inconsistent with the objectives of this subpart or the provisions of the statute from which the program involved derives authority that are specifically applicable to Indian students.

''(f) PLAN APPROVAL.—Within 90 days after the receipt of an applicant's plan by the Secretary under subsection (a), the Secretary shall inform the applicant, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the applicant shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend the plan or to petition the Secretary to reconsider such disapproval.

''(g) RESPONSIBILITIES OF DEPARTMENT OF EDUCATION.—Not later than 180 days after the date of enactment of the Educational Excellence for All Children Act of 2000, the Secretary of Education, the Secretary of the Interior, and the head of any other Federal agency identified by the Secretary of Education, shall enter into an interagency memorandum of agreement providing for the implementation of the demonstration projects authorized under this section. The lead agency for a demonstration project authorized under this section shall be—

''(1) the Department of the Interior, in the case of an applicant that is a contract or grant school, as defined in section 1146 of the Education Amendments of 1978; or

''(2) the Department of Education, in the case of any other applicant.

''(h) RESPONSIBILITIES OF LEAD AGENCY.—The responsibilities of the lead agency for a demonstration project shall include—

''(1) the use of a single report format related to the plan for the individual project, which shall be used by an eligible entity to report on the activities undertaken under the project;

''(2) the use of a single report format related to the projected expenditures for the individual project, which shall be used by an eligible entity to report on all project expenditures;

''(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

''(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

''(i) REPORT REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall develop, consistent with the requirements of this section, a single report format for the reports described in subsection (h).

''(2) REPORT INFORMATION.—Such report format shall require that the reports shall—

''(A) contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in the entity's approved plan, including the demonstration of student achievement; and

''(B) provide assurances to the Secretary of Education and the Secretary of the Interior that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

''(3) RECORD INFORMATION.—The Secretary shall require that records maintained at the local level on the programs consolidated for the project shall contain the information and provide the assurances described in paragraph (2).

''(j) NO REDUCTION IN AMOUNTS.—In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

''(k) INTERAGENCY FUND TRANSFERS AUTHORIZED.—The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the objectives of this section.

''(l) ADMINISTRATION OF FUNDS.—

''(1) IN GENERAL.—An eligible entity shall administer the program funds for the consolidated programs in such a manner as to allow for a determination that funds from a specific program are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds that shall be allocated to such program.

''(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as

requiring the eligible entity to maintain separate records tracing any services or activities conducted under the approved plan to the individual programs under which funds were authorized for the services or activities, nor shall the eligible entity be required to allocate expenditures among such individual programs.

''(m) OVERAGE.—The eligible entity may commingle all administrative funds from the consolidated programs and shall be entitled to the full amount of such funds (under each program's or agency's regulations). The overage (defined as the difference between the amount of the commingled funds and the actual administrative cost of the programs) shall be considered to be properly spent for Federal audit purposes, if the overage is used for the purposes provided for under this section.

''(n) FISCAL ACCOUNTABILITY.—Nothing in this part shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill responsibilities for safeguarding Federal funds pursuant to chapter 75 of title 31, United States Code.

''(o) REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.—

''(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of the Educational Excellence for All Children Act of 2000, the Secretary of Education shall submit a preliminary report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the status of the implementation of the demonstration projects authorized under this section.

''(2) FINAL REPORT.—Not later than 5 years after the date of enactment of the Educational Excellence for All Children Act of 2000, the Secretary of Education shall submit a report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the results of the implementation of the demonstration projects authorized under this section. Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section.

''(p) DEFINITION.—In this section, the term 'Secretary' means—

''(1) the Secretary of the Interior, in the case of an applicant that is a contract or grant school, as defined in section 1146 of the Education Amendments of 1978; or

''(2) the Secretary of Education, in the case of any other applicant.

''SEC. 9117. STUDENT ELIGIBILITY FORMS.

''(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart, and that otherwise meets the requirements of subsection (b).

''(b) FORMS.—

''(1) IN GENERAL.—The form described in subsection (a) shall include—

''(A) either—

''(i)(I) the name of the tribe or band of Indians (as defined in section 9161(3)) with respect to which the child claims membership;

''(II) the enrollment number establishing the membership of the child (if readily available); and

''(III) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

''(ii) if the child is not a member of tribe or band of Indians (as so defined), the name, the enrollment number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership rolls, of any parent or grandparent of the child from whom the child claims eligibility under this subpart;

''(B) a statement of whether the tribe or band of Indians (as so defined) with respect to which the child, or parent or grandparent of the child, claims membership is federally recognized;

''(C) the name and address of the parent or legal guardian of the child;

''(D) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

''(E) any other information that the Secretary considers necessary to provide an accurate program profile.

''(2) MINIMUM INFORMATION.—In order for a child to be eligible to be counted for the purpose of computing the amount of a grant award made under section 9113, an eligibility form prepared pursuant to this section for a child shall include—

''(A) the name of the child;

''(B) the name of the tribe or band of Indians (as so defined) with respect to which the child claims membership; and

''(C) the dated signature of the parent or guardian of the child.

''(3) FAILURE.—The failure of an applicant to furnish any information described in this subsection other than the information described in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child for the purposes of computing the amount of a grant award made under section 9113.

''(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 9161.

''(d) FORMS AND STANDARDS OF PROOF.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–86 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

''(1) to establish eligibility under this subpart; and

''(2) to meet the requirements of subsection (a).

''(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 9113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

''(f) MONITORING AND EVALUATION REVIEW.—

''(1) IN GENERAL.—

''(A) REVIEW.—For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the local educational agencies that are recipients of grants under this subpart. The sampling conducted under this paragraph shall take into account the size of such a local educational agency and the geographic location of such agency.

''(B) EXCEPTION.—A local educational agency may not be held liable to the United States or be subject to any penalty by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act.

''(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

''(A) be ineligible to apply for any other grant under this subpart; and

''(B) be liable to the United States for any funds from the grant that have not been expended.

''(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (a) shall not be counted for the purpose of computing the amount of a grant award under section 9113.

''(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—Notwithstanding any other provision of this section, the Secretary, in computing the amount of a grant award under section 9113 to a tribal school that receives a grant or contract from the Bureau of Indian Affairs, shall use only 1 of the following, as selected by the school:

''(1) A count, certified by the Bureau, of the number of students in the school.

''(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

''(h) TIMING OF CHILD COUNTS.—For purposes of determining the number of children to be counted in computing the amount of a local educational agency's grant award under section 9113 (other than in the case described in subsection (g)(1)), the local educational agency shall—

''(1) establish a date on, or a period not longer than 31 consecutive days during which, the agency counts those children, if that date or period occurs before the deadline established by the Secretary for submitting an application under section 9114; and

''(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

''SEC. 9118. PAYMENTS.

''(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount computed under section 9113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

''(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this subpart in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

''(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

''(1) IN GENERAL.—The Secretary may not pay a local educational agency in a State the full amount of a grant award computed under section 9113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free

public education by the local educational agency for the preceding fiscal year, that the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

''(2) FAILURE.—If, for any fiscal year, the Secretary determines that a local educational agency and State failed to maintain the combined fiscal effort at the level specified in paragraph (1), the Secretary shall—

''(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of the failure to maintain the fiscal effort at such level; and

''(B) not use the reduced amount of the combined fiscal effort for the year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) during the fiscal year for which the determination is made.

''(3) WAIVER.—

''(A) IN GENERAL.—The Secretary may waive the requirement of paragraph (1) for a local educational agency, for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

''(B) FUTURE DETERMINATIONS.—The Secretary shall not use the reduced amount of the combined fiscal effort for the year for which the waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver during the fiscal year for which the waiver is granted.

''(d) REALLOCATIONS.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

''(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

''(2) otherwise become available for reallocation under this subpart.

''SEC. 9119. STATE EDUCATIONAL AGENCY REVIEW.

''Before submitting an application to the Secretary under section 9114, a local educational agency shall submit the application to the State educational agency, which may comment on the application. If the State educational agency comments on the application, the agency shall comment on each such application submitted by a local educational agency in the State and shall provide the comment to the appropriate local educational agency, with an opportunity to respond.

''Subpart 2—Special Programs and Projects To Improve Educational Opportunities for Indian Children

''SEC. 9121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

''(a) PURPOSE.—

''(1) IN GENERAL.—The purpose of this section is to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

''(2) COORDINATION.—The Secretary shall take such actions as are necessary to achieve the coordination of activities assisted under this subpart with—

''(A) other programs funded under this Act; and

''(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.

''(b) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education) or a consortium of such entities.

''(c) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose specified in subsection (a)(1), including—

''(A) innovative programs related to the educational needs of educationally disadvantaged children;

''(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in 1 or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;

''(C) bilingual and bicultural programs and projects;

''(D) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;

''(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation for Indian children;

''(F) comprehensive guidance, counseling, and testing services;

''(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;

''(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary school to postsecondary education;

''(I) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills the youth need to make an effective transition from school to a first job in a high-skill, high-wage career;

''(J) partnership projects between schools and student groups to improve the achievement of Indian students;

''(K) family literacy services; or

''(L) other services that meet the purpose described in subsection (a)(1).

''(2) PRE-SERVICE OR IN-SERVICE TRAINING.—Pre-service or in-service training of professional and paraprofessional personnel may be a part of any program assisted under this section.

''(d) GRANT REQUIREMENTS AND APPLICATIONS.—

''(1) GRANT REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary may make multiyear grants under subsection (c) for the planning, development, pilot operation, or demonstration of any activity described in subsection (c). The Secretary shall make the grants for periods of not more than 5 years.

''(B) PRIORITY.—In making multiyear grants described in this paragraph, the Secretary shall give priority to entities submitting applications that present a plan for combining 2 or more of the activities described in subsection (c) over a period of more than 1 year.

''(C) PROGRESS.—The Secretary shall make a payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant period only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (3) and any subsequent modifications to such application.

''(2) DISSEMINATION GRANTS.—

''(A) IN GENERAL.—In addition to awarding the multiyear grants described in paragraph (1), the Secretary may award grants under subsection (c) to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

''(B) DETERMINATION.—The Secretary may award a dissemination grant described in this paragraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated—

''(i) has been adequately reviewed;

''(ii) has demonstrated educational merit; and

''(iii) can be replicated.

''(3) APPLICATION.—

''(A) IN GENERAL.—Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(B) CONTENTS.—Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (2), shall contain—

''(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

''(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

''(iii) information demonstrating that the proposed program for the activities is a research-based program, which may include a program that has been modified to be culturally appropriate for students who will be served;

''(iv) a description of how the applicant will incorporate the proposed activities into the ongoing school program involved once the grant period is over; and

''(v) such other assurances and information as the Secretary may reasonably require.

''(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grant recipient under this subpart for any fiscal year may be used to pay for administrative costs.

''SEC. 9122. PROFESSIONAL DEVELOPMENT.

''(a) PURPOSES.—The purposes of this section are—

''(1) to increase the number of qualified Indian individuals in teaching or other education professions that serve Indian people;

''(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

''(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

''(b) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means a consortium of—

''(1) a State or local educational agency; and

''(2) an institution of higher education (including an Indian institution of higher education) or an Indian tribe or organization.

''(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities with applications approved under subsection (e) to enable such entities to carry out the activities described in subsection (d).

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Grant funds made available under subsection (c) shall be used for activities to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include continuing programs, symposia, workshops, conferences, and direct financial support.

''(2) SPECIAL RULES.—

''(A) TYPE OF TRAINING.—For education personnel, the training received pursuant to a grant awarded under subsection (c) may be in-service or pre-service training.

''(B) PROGRAM.—For individuals who are being trained to enter any field other than education, the training received pursuant to a grant awarded under subsection (c) shall be in a program that results in a graduate degree.

''(e) APPLICATION.—Each eligible entity desiring a grant under subsection (c) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

''(f) SPECIAL RULE.—In awarding grants under subsection (c), the Secretary—

''(1) shall consider the prior performance of an eligible entity; and

''(2) may not limit eligibility to receive a grant under subsection (c) on the basis of—

''(A) the number of previous grants the Secretary has awarded such entity; or

''(B) the length of any period during which such entity received such grants.

''(g) GRANT PERIOD.—Each grant awarded under subsection (c) shall be awarded for a program of activities of not more than 5 years.

''(h) SERVICE OBLIGATION.—

''(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives pre-service training pursuant to a grant awarded under subsection (c)—

''(A) perform work—

''(i) related to the training received under this section; and

''(ii) that benefits Indian people; or

''(B) repay all or a prorated part of the assistance received for the training.

''(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a recipient of the pre-service training shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement described in paragraph (1).

''(i) INSERVICE TRAINING FOR TEACHERS OF INDIAN CHILDREN.—

''(1) GRANTS AUTHORIZED.—In addition to the grants authorized by subsection (c), the Secretary may make grants to eligible consortia for the provision of high quality in-service training. The Secretary may make such a grant to—

''(A) a consortium of a tribal college and an institution of higher education that awards a degree in education; or

''(B) a consortium of—

''(i) a tribal college;

''(ii) an institution of higher education that awards a degree in education; and

''(iii) 1 or more elementary schools or secondary schools operated by the Bureau of Indian Affairs, local educational agencies serving Indian children, or tribal educational agencies.

''(2) USE OF FUNDS.—

''(A) IN-SERVICE TRAINING.—A consortium that receives a grant under paragraph (1) shall use the grant funds only to provide high quality in-service training to teachers, including teachers who are not Indians, in schools of local educational agencies with substantial numbers of Indian children enrolled in their schools, in order to better meet the needs of those children.

''(B) COMPONENTS.—The training described in subparagraph (A) shall include such activities as preparing teachers to use the best available research-based practices and learning strategies, and to make the most effective use of curricula and materials, to respond to the unique needs of Indian children in their classrooms.

''(3) PREFERENCE FOR INDIAN APPLICANTS.—In applying section 9153 to this subsection, the Secretary shall give a preference to any consortium that includes 1 or more of the entities described in that section.

''SEC. 9123. FELLOWSHIPS FOR INDIAN STUDENTS.

''(a) FELLOWSHIPS.—

''(1) AUTHORITY.—The Secretary is authorized to award fellowships to Indian students to enable such students to study in graduate and professional programs at institutions of higher education.

''(2) REQUIREMENTS.—The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study—

''(A) of not more than 4 academic years; and

''(B) that leads—

''(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, or a related field; or

''(ii) to an undergraduate or graduate degree in engineering, business administration, natural resources, or a related field.

''(b) STIPENDS.—The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependents of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.

''(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUITION.—The Secretary shall pay to the institution of higher education at which such a fellowship recipient is pursuing a course of study, in lieu of tuition charged to such recipient, such amounts as the Secretary may determine to be necessary to cover the cost of education provided to such recipient.

''(d) SPECIAL RULES.—

''(1) IN GENERAL.—If a fellowship awarded under subsection (a) is vacated prior to the end of the period for which the fellowship is awarded, the Secretary may award an additional fellowship for the unexpired portion of the period of the first fellowship.

''(2) WRITTEN NOTICE.—Not later than 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of—

''(A) the amount of the funding for the fellowship; and

''(B) any stipends or other payments that will be made under this section to, or for the benefit of, the individual for the academic term.

''(3) PRIORITY.—Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

''(e) SERVICE OBLIGATION.—

''(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives financial assistance under this section—

''(A) perform work—

''(i) related to the training for which the individual receives the assistance under this section; and

''(ii) that benefits Indian people; or

''(B) repay all or a prorated portion of such assistance.

''(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a recipient of assistance under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement described in paragraph (1).

''(f) ADMINISTRATION OF FELLOWSHIPS.—The Secretary may administer the fellowships authorized under this section through a grant to, or contract or cooperative agreement with, an Indian organization with demonstrated qualifications to administer all facets of the program assisted under this section.

''SEC. 9124. GIFTED AND TALENTED INDIAN STUDENTS.

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized to—

''(1) establish 2 centers for gifted and talented Indian students at tribally controlled community colleges in accordance with this section; and

''(2) support demonstration projects described in subsection (c).

''(b) ELIGIBLE ENTITIES.—The Secretary shall make grants, or enter into contracts, for the activities described in subsection (a), to or with—

''(1) 2 tribally controlled community colleges that—

''(A) are eligible for funding under the Tribally Controlled College or University Assistance Act of 1978; and

''(B) are fully accredited; or

''(2) if the Secretary does not receive applications that the Secretary determines to be approvable from 2 colleges that meet the requirements of paragraph (1), the American Indian Higher Education Consortium.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Funds made available through the grants made, or contracts entered into, by the Secretary under subsection (b) shall be used for—

''(A) the establishment of centers described in subsection (a); and

''(B) carrying out demonstration projects designed to—

''(i) address the special needs of Indian students in elementary schools and secondary schools who are gifted and talented; and

''(ii) provide such support services to the families of the students described in clause (i) as are needed to enable such students to benefit from the projects.

''(2) SUBCONTRACTS.—Each recipient of a grant or contract under subsection (b) to carry out a demonstration project under subsection (a) may enter into a contract with any other entity, including the Children's Television Workshop, to carry out the demonstration project.

''(3) DEMONSTRATION PROJECTS.—Demonstration projects assisted under subsection (b) may include—

''(A) the identification of the special needs of gifted and talented Indian students, particularly at the elementary school level, giving attention to—

''(i) identifying the emotional and psychosocial needs of such students; and

''(ii) providing such support services to the families of such students as are needed to enable such students to benefit from the project;

''(B) the conduct of educational, psychosocial, and developmental activities that the Secretary determines hold a reasonable

promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including—

''(i) demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions; and

''(ii) carrying out mentoring and apprenticeship programs;

''(C) the provision of technical assistance and the coordination of activities at schools that receive grants under subsection (d) with respect to the activities assisted under such grants, the evaluation of programs assisted under such grants, or the dissemination of such evaluations;

''(D) the use of public television in meeting the special educational needs of such gifted and talented children;

''(E) leadership programs designed to replicate programs for such children throughout the United States, including disseminating information derived from the demonstration projects conducted under subsection (a); and

''(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to the families of such children as are needed to enable such children to benefit from the project.

''(4) APPLICATION.—Each entity desiring a grant or contract under subsection (b) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

''(d) ADDITIONAL GRANTS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall award 5 grants to schools funded by the Bureau of Indian Affairs (referred to individually in this section as a 'Bureau school') for program research and development and the development and dissemination of curriculum and teacher training material, regarding—

''(A) gifted and talented students;

''(B) college preparatory studies (including programs for Indian students with an interest in pursuing teaching careers);

''(C) students with special culturally related academic needs, including students with social, lingual, and cultural needs; or

''(D) mathematics and science education.

''(2) APPLICATIONS.—Each Bureau school desiring a grant to conduct 1 or more of the activities described in paragraph (1) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

''(3) SPECIAL RULE.—Each application described in paragraph (2) shall be developed, and each grant under this subsection shall be administered, jointly by the supervisor of the Bureau school and the local educational agency serving such school.

''(4) REQUIREMENTS.—In awarding grants under paragraph (1), the Secretary shall achieve a mixture of the programs described in paragraph (1) that ensures that Indian students at all grade levels and in all geographic areas of the United States are able to participate in a program assisted under this subsection.

''(5) GRANT PERIOD.—Subject to the availability of appropriations, a grant awarded under paragraph (1) shall be awarded for a 3-year period and may be renewed by the Secretary for additional 3-year periods if the Secretary determines that the performance of the grant recipient has been satisfactory.

''(6) DISSEMINATION.—

''(A) COOPERATIVE EFFORTS.—The dissemination of any materials developed from activities assisted under paragraph (1) shall be carried out in cooperation with entities that receive funds pursuant to subsection (b).

''(B) REPORT.—The Secretary shall prepare and submit to the Secretary of the Interior and to Congress a report concerning any results from activities described in this subsection.

''(7) EVALUATION COSTS.—

''(A) DIVISION.—The costs of evaluating any activities assisted under paragraph (1) shall be divided between the Bureau schools conducting such activities and the recipients of grants or contracts under subsection (b) who conduct demonstration projects under subsection (a).

''(B) GRANTS AND CONTRACTS.—If no funds are provided under subsection (b) for—

''(i) the evaluation of activities assisted under paragraph (1);

''(ii) technical assistance and coordination with respect to such activities; or

''(iii) the dissemination of the evaluations referred to in clause (i),

the Secretary shall make such grants, or enter into such contracts, as are necessary to provide for the evaluations, technical assistance, and coordination of such activities, and the dissemination of the evaluations.

''(e) INFORMATION NETWORK.—The Secretary shall encourage each recipient of a grant or contract under this section to work cooperatively as part of a national network to ensure that the information developed by the grant or contract recipient is readily available to the entire educational community.

''SEC. 9125. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.

''(a) IN GENERAL.—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to—

''(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

''(2) develop education codes for schools within the territorial jurisdiction of the tribe;

''(3) provide support services and technical assistance to schools serving children of the tribe; and

''(4) perform child-find screening services for the preschool-aged children of the tribe to—

''(A) ensure placement in appropriate educational facilities; and

''(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

''(b) PERIOD OF GRANT.—Each grant awarded under this section may be awarded for a period of not more than 3 years. Such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

''(c) APPLICATION FOR GRANT.—

''(1) IN GENERAL.—Each Indian tribe and tribal organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

''(2) CONTENTS.—Each application described in paragraph (1) shall contain—

''(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

''(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved.

''(3) APPROVAL.—The Secretary may approve an application submitted by a tribe or tribal organization pursuant to this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

''(A) demonstrates that the applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant who will be affected by the activities to be conducted under the grant;

''(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

''(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, except that the availability of such other resources shall not be a basis for disapproval of such application.

''(d) RESTRICTION.—A tribe may not receive funds under this section if such tribe receives funds under section 1144 of the Education Amendments of 1978.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Education to carry out this section $3,000,000 for each of fiscal years 2001 through 2005.

''Subpart 3—Special Programs Relating to Adult Education for Indians

''SEC. 9131. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.

''(a) IN GENERAL.—The Secretary shall make grants to State and local educational agencies and to Indian tribes, institutions, and organizations—

''(1) to support planning, pilot, and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

''(2) to assist in the establishment and operation of programs that are designed to stimulate—

''(A) the provision of basic literacy opportunities for all nonliterate Indian adults; and

''(B) the provision of opportunities to all Indian adults to qualify for a secondary school diploma, or its recognized equivalent, in the shortest period of time feasible;

''(3) to support a major research and development program to develop more innovative and effective techniques for achieving literacy and secondary school equivalency for Indians;

''(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of secondary school completion among Indians; and

''(5) to encourage the dissemination of information and materials relating to, and the evaluation of, the effectiveness of education programs that may offer educational opportunities to Indian adults.

''(b) EDUCATIONAL SERVICES.—The Secretary may make grants to Indian tribes, institutions, and organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

''(c) INFORMATION AND EVALUATION.—The Secretary may make grants to, and enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations, for—

''(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations of the programs, services, and resources; and

''(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of the programs in achieving the purposes of the programs with respect to Indian adults.

''(d) APPLICATIONS.—

''(1) IN GENERAL.—Each entity desiring a grant or contract under this section shall submit to the Secretary an application at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

''(2) CONTENTS.—Each application described in paragraph (1) shall contain—

''(A) a statement describing the activities to be conducted and the objectives to be achieved under the grant or contract; and

''(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether the objectives of the grant or contract are achieved.

''(3) APPROVAL.—The Secretary shall not approve an application described in paragraph (1) unless the Secretary determines that such application, including any documentation submitted with the application, indicates that—

''(A) there has been adequate participation, by the individuals to be served and the appropriate tribal communities, in the planning and development of the activities to be assisted; and

''(B) the individuals and tribal communities referred to in subparagraph (A) will participate in the operation and evaluation of the activities to be assisted.

''(4) PRIORITY.—In approving applications under paragraph (1), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

''(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available to an entity through a grant or contract made or entered into under this subpart for a fiscal year may be used to pay for administrative costs.

''Subpart 4—National Research Activities

''SEC. 9141. NATIONAL ACTIVITIES.

''(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available under section 9162(b) for each fiscal year to—

''(1) conduct research related to effective approaches for the education of Indian children and adults;

''(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

''(3) collect and analyze data on the educational status and needs of Indians; and

''(4) carry out other activities that are consistent with the purpose of this part.

''(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

''(c) COORDINATION.—Research activities supported under this section—

''(1) shall be carried out in consultation with the Office of Educational Research and Improvement to assure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

''(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education and the Office of Educational Research and Improvement.

''(d) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available to an entity through a grant, contract, or agreement made or entered into under this subpart for a fiscal year may be used to pay for administrative costs.

''Subpart 5—Federal Administration

''SEC. 9151. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

''(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (referred to in this section as the 'Council'), which shall—

''(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and Indian organizations; and

''(2) represent different geographic areas of the United States.

''(b) DUTIES.—The Council shall—

''(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

''(A) with respect to which the Secretary has jurisdiction; and

''(B)(i) that includes Indian children or adults as participants; or

''(ii) that may benefit Indian children or adults;

''(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

''(3) prepare and submit to Congress, not later than June 30 of each year, a report on the activities of the Council, including—

''(A) any recommendations that the Council considers to be appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

''(B) recommendations concerning the funding of any program described in subparagraph (A).

''SEC. 9152. PEER REVIEW.

''The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2, 3, or 4.

''SEC. 9153. PREFERENCE FOR INDIAN APPLICANTS.

''In making grants and entering into contracts or cooperative agreements under subpart 2, 3, or 4, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants, contracts, or cooperative agreements.

''SEC. 9154. MINIMUM GRANT CRITERIA.

''The Secretary may not approve an application for a grant, contract, or cooperative agreement under subpart 2 or 3 unless the application is for a grant, contract, or cooperative agreement that is—

''(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant, contract, or cooperative agreement; and

''(2) based on relevant research findings.

''Subpart 6—Definitions; Authorizations of Appropriations

''SEC. 9161. DEFINITIONS.

''In this part:

''(1) ADULT.—The term 'adult' means an individual who—

''(A) has attained age 16; or

''(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

''(2) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is—

''(A) provided at public expense, under public supervision and direction, and without tuition charge; and

''(B) provided as elementary or secondary education in the applicable State or to preschool children.

''(3) INDIAN.—The term 'Indian' means an individual who is—

''(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

''(i) any tribe or band terminated since 1940; and

''(ii) any tribe or band recognized by the State in which the tribe or band resides;

''(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

''(C) an individual who is considered by the Secretary of the Interior to be an Indian for any purpose;

''(D) an Eskimo, Aleut, or other Alaska Native (as defined in section 9306); or

''(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding the date of enactment of the 'Improving America's Schools Act of 1994' (108 Stat. 3518).

''SEC. 9162. AUTHORIZATIONS OF APPROPRIATIONS.

''(a) SUBPART 1.—There are authorized to be appropriated to the Secretary of Education to carry out subpart 1 $62,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) SUBPARTS 2 THROUGH 4.—There are authorized to be appropriated to the Secretary of Education to carry out subparts 2, 3, and 4 $4,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''PART B—NATIVE HAWAIIAN EDUCATION

''SEC. 9201. SHORT TITLE.

''This part may be cited as the 'Native Hawaiian Education Act'.

''SEC. 9202. FINDINGS.

''Congress finds the following:

''(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

''(2) At the time of the arrival of the first non-indigenous people in Hawai'i in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.

''(3) A unified monarchal government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawai'i.

''(4) From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawai'i, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawai'i, and entered into treaties and conventions with the Kingdom of Hawai'i to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

''(5) In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawai'i, the Kingdom of Hawai'i, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawai'i, in 1993 the United States apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians

to self-determination through Public Law 103–150 (107 Stat. 1510).

''(6) In 1898, the joint resolution entitled 'Joint Resolution to provide for annexing the Hawaiian Islands to the United States', approved July 7, 1898 (30 Stat. 750), ceded absolute title of all lands held by the Republic of Hawai'i, including the government and crown lands of the former Kingdom of Hawai'i, to the United States, but mandated that revenue generated from the lands be used 'solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes'.

''(7) By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600, and in recognition of this severe decline, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108), which designated approximately 200,000 acres of ceded public lands for homesteading by Native Hawaiians.

''(8) Through the enactment of the Hawaiian Homes Commission Act, 1920, Congress affirmed the special relationship between the United States and the Native Hawaiians, which was described by then Secretary of the Interior Franklin K. Lane, who said: 'One thing that impressed me . . . was the fact that the natives of the island who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.'.

''(9) In 1938, Congress again acknowledged the unique status of the Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781, chapter 530; 16 U.S.C. 391b, 391b–1, 392b, 392c, 396, 396a), a provision to lease lands within the National Parks extension to Native Hawaiians and to permit fishing in the area 'only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.'.

''(10) Under the Act entitled 'An Act to provide for the admission of the State of Hawai'i into the Union', approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawai'i but reaffirmed the trust relationship between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and amendments to such Act affecting the rights of beneficiaries under such Act.

''(11) In 1959, under the Act entitled 'An Act to provide for the admission of the State of Hawai'i into the Union', the United States also ceded to the State of Hawai'i title to the public lands formerly held by the United States, but mandated that such lands be held by the State 'in public trust' and reaffirmed the special relationship that existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the public trust responsibility of the State of Hawai'i for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

''(12) The United States has recognized and reaffirmed that—

''(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

''(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

''(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawai'i;

''(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

''(E) the aboriginal, indigenous people of the United States have—

''(i) a continuing right to autonomy in their internal affairs; and

''(ii) an ongoing right of self-determination and self-governance that has never been extinguished.

''(13) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in—

''(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

''(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

''(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

''(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

''(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

''(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

''(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

''(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.) and the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

''(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

''(14) In 1981, Congress instructed the Office of Education to submit to Congress a comprehensive report on Native Hawaiian education. The report, entitled the 'Native Hawaiian Educational Assessment Project', was released in 1983 and documented that Native Hawaiians scored below parity with regard to national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics indicative of special educational needs, and had educational needs that were related to their unique cultural situation, such as different learning styles and low self-image.

''(15) In recognition of the educational needs of Native Hawaiians, in 1988, Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 130) to authorize and develop supplemental educational programs to address the unique conditions of Native Hawaiians.

''(16) In 1993, the Kamehameha Schools Bishop Estate released a 10-year update of findings of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent reports by the Kamehameha Schools Bishop Estate and other organizations have generally confirmed those findings. For example—

''(A) educational risk factors continue to start even before birth for many Native Hawaiian children, including—

''(i) late or no prenatal care;

''(ii) high rates of births by Native Hawaiian women who are unmarried; and

''(iii) high rates of births to teenage parents;

''(B) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

''(C) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

''(D) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

''(E) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild mental retardation, emotional impairment, and other such disabilities;

''(F) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed 4 or more years of college;

''(G) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs, as demonstrated by the fact that—

''(i) Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;

''(ii) Native Hawaiian students have the highest rates of drug and alcohol use in the State of Hawai'i; and

''(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

''(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawai'i Department of Education, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

''(17) In the 1998 National Assessment of Educational Progress, Hawaiian fourth-graders ranked 39th among groups of students from 39 States in reading. Given that Hawaiian students rank among the lowest groups of students nationally in reading, and that Native Hawaiian students rank the lowest among Hawaiian students in reading, it is imperative that greater focus be placed on beginning reading and early education and literacy in Hawai'i.

''(18) The findings described in paragraphs (16) and (17) are inconsistent with the high rates of literacy and integration of traditional culture and Western education historically achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.

''(19) Following the overthrow of the Kingdom of Hawai'i in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period of Hawai'i, and until 1986, use of the Hawaiian language as an instructional medium in education in public schools was declared unlawful. The declaration caused incalculable harm to a culture that placed a very high value on the power of language, as exemplified in the traditional saying: 'I ka 'olelo no ke ola; I ka 'olelo no ka make. In the language rests life; In the language rests death.'.

''(20) Despite the consequences of over 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

''(21) The State of Hawai'i, in the constitution and statutes of the State of Hawai'i—

''(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language;

''(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawai'i, which may be used as the language of instruction for all subjects and grades in the public school system; and

''(C) promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise as a suitable and essential means to further the program.

''SEC. 9203. PURPOSES.

''The purposes of this part are to—

''(1) authorize and develop innovative educational programs to assist Native Hawaiians in reaching the National Education Goals;

''(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, and to provide periodic assessment and data collection;

''(3) supplement and expand programs and authorities in the area of education to further the purposes of this title; and

''(4) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs.

''SEC. 9204. NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.

''(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDUCATION COUNCIL.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (referred to in this part as the 'Education Council').

''(b) COMPOSITION OF EDUCATION COUNCIL.—The Education Council shall consist of not more than 21 members, unless otherwise determined by a majority of the council.

''(c) CONDITIONS AND TERMS.—

''(1) CONDITIONS.—At least 10 members of the Education Council shall be Native Hawaiian education service providers and 10 members of the Education Council shall be Native Hawaiians or Native Hawaiian education consumers. In addition, a representative of the State of Hawai'i Office of Hawaiian Affairs shall serve as a member of the Education Council.

''(2) APPOINTMENTS.—The members of the Education Council shall be appointed by the Secretary based on recommendations received from the Native Hawaiian community.

''(3) TERMS.—Members of the Education Council shall serve for staggered terms of 3 years, except as provided in paragraph (4).

''(4) COUNCIL DETERMINATIONS.—Additional conditions and terms relating to membership on the Education Council, including term lengths and term renewals, shall be determined by a majority of the Education Council.

''(d) NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.—The Secretary shall make a direct grant to the Education Council in order to enable the Education Council to—

''(1) coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part;

''(2) assess the extent to which such services and programs meet the needs of Native Hawaiians, and collect data on the status of Native Hawaiian education;

''(3) provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serve, where appropriate, in an advisory capacity; and

''(4) make direct grants, if such grants enable the Education Council to carry out the duties of the Education Council, as described in paragraphs (1) through (3).

''(e) ADDITIONAL DUTIES OF THE EDUCATION COUNCIL.—

''(1) IN GENERAL.—The Education Council shall provide copies of any reports and recommendations issued by the Education Council, including any information that the Education Council provides to the Secretary pursuant to subsection (i), to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Indian Affairs of the Senate.

''(2) ANNUAL REPORT.—The Education Council shall prepare and submit to the Secretary an annual report on the Education Council's activities.

''(3) ISLAND COUNCIL SUPPORT AND ASSISTANCE.—The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary determines to be appropriate, in a manner that supports the distinct needs of each island council.

''(f) ESTABLISHMENT OF ISLAND COUNCILS.—

''(1) IN GENERAL.—In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Secretary is authorized to facilitate the establishment of Native Hawaiian education island councils (referred to individually in this part as an 'island council') for the following islands:

''(A) Hawai'i.

''(B) Maui.

''(C) Moloka'i.

''(D) Lana'i.

''(E) O'ahu.

''(F) Kaua'i.

''(G) Ni'ihau.

''(2) COMPOSITION OF ISLAND COUNCILS.—Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of individuals concerned with the educational needs of all age groups, from children in preschool through adults. At least ¾ of the members of each island council shall be Native Hawaiians.

''(g) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL AND ISLAND COUNCILS.—The Education Council and each island council shall meet at the call of the chairperson of the appropriate council, or upon the request of the majority of the members of the appropriate council, but in any event not less often than 4 times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

''(h) COMPENSATION.—Members of the Education Council and each island council shall not receive any compensation for service on the Education Council and each island council, respectively.

''(i) REPORT.—Not later than 4 years after the date of enactment of the Educational Excellence for All Children Act of 2000, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Indian Affairs of the Senate a report that summarizes the annual reports of the Education Council, describes the allocation and use of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $300,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years. Funds appropriated under this subsection shall remain available until expended.

''SEC. 9205. PROGRAM AUTHORIZED.

''(a) GENERAL AUTHORITY.—

''(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make direct grants to, or enter into contracts with—

''(A) Native Hawaiian educational organizations;

''(B) Native Hawaiian community-based organizations;

''(C) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language; and

''(D) consortia of the organizations, agencies, and institutions described in subparagraphs (A) through (C),

to carry out programs that meet the purposes of this part.

''(2) PRIORITIES.—In awarding grants or contracts to carry out activities described in paragraph (3), the Secretary shall give priority to entities proposing projects that are designed to address—

''(A) beginning reading and literacy among students in kindergarten through third grade;

''(B) the needs of at-risk children and youth;

''(C) needs in fields or disciplines in which Native Hawaiians are underemployed; and

''(D) the use of the Hawaiian language in instruction.

''(3) AUTHORIZED ACTIVITIES.—Activities provided through programs carried out under this part may include—

''(A) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of services for Native Hawaiian children from the prenatal period of the children through age 5;

''(B) the operation of family-based education centers that provide such services as—

''(i) programs for Native Hawaiian parents and their infants from the prenatal period of the infants through age 3;

''(ii) preschool programs for Native Hawaiians; and

''(iii) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

''(C) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through third grade and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in fifth and sixth grade;

''(D) activities to meet the special needs of Native Hawaiian students with disabilities, including—

''(i) the identification of such students and their needs;

''(ii) the provision of support services to the families of those students; and

''(iii) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

''(E) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

''(i) educational, psychological, and developmental activities designed to assist in the educational progress of those students; and

''(ii) activities that involve the parents of those students in a manner designed to assist in the students' educational progress;

''(F) the development of academic and vocational curricula to address the needs of Native Hawaiian children and adults, including curriculum materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

''(G) professional development activities for educators, including—

''(i) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

''(ii) in-service programs to improve the ability of teachers who teach in schools with concentrations of Native Hawaiian students to meet those students' unique needs; and

''(iii) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

''(H) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services, including—

''(i) preschool programs;

''(ii) after-school programs; and

''(iii) vocational and adult education programs;

''(I) activities to enable Native Hawaiians to enter and complete programs of postsecondary education, including—

''(i) provision of full or partial scholarships for undergraduate or graduate study that are awarded to students based on their academic promise and financial need, with a priority, at the graduate level, given to students entering professions in which Native Hawaiians are underrepresented;

''(ii) family literacy services;

''(iii) counseling and support services for students receiving scholarship assistance;

''(iv) counseling and guidance for Native Hawaiian secondary students who have the potential to receive scholarships; and

''(v) faculty development activities designed to promote the matriculation of Native Hawaiian students;

''(J) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

''(K) other research and evaluation activities related to programs carried out under this part; and

''(L) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

''(4) SPECIAL RULE AND CONDITIONS.—

''(A) INSTITUTIONS OUTSIDE HAWAII.—The Secretary shall not establish a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree granting institution of higher education outside of the State of Hawai'i from receiving a fellowship pursuant to paragraph (3)(I).

''(B) FELLOWSHIP CONDITIONS.—The Secretary shall establish conditions for receipt of a fellowship awarded under paragraph (3)(I). The conditions shall require that an individual seeking such a fellowship enter into a contract to provide professional services, either during the fellowship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.

''(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grant recipient under this section for any fiscal year may be used for administrative purposes.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $23,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years. Funds appropriated under this subsection shall remain available until expended.

''SEC. 9206. ADMINISTRATIVE PROVISIONS.

''(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

''(b) SPECIAL RULE.—Each applicant for a grant or contract under this part shall submit the application for comment to the local educational agency serving students who will participate in the program to be carried out under the grant or contract, and include those comments, if any, with the application to the Secretary.

''SEC. 9207. DEFINITIONS.

''In this part:

''(1) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

''(A) a citizen of the United States; and

''(B) a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawai'i, as evidenced by—

''(i) genealogical records;

''(ii) Kupuna (elders) or Kama'aina (long-term community residents) verification; or

''(iii) certified birth records.

''(2) NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION.—The term 'Native Hawaiian community-based organization' means any organization that is composed primarily of Native Hawaiians from a specific community and that assists in the social, cultural, and educational development of Native Hawaiians in that community.

''(3) NATIVE HAWAIIAN EDUCATIONAL ORGANIZATION.—The term 'Native Hawaiian educational organization' means a private nonprofit organization that—

''(A) serves the interests of Native Hawaiians;

''(B) has Native Hawaiians in substantive and policymaking positions within the organization;

''(C) incorporates Native Hawaiian perspective, values, language, culture, and traditions into the core function of the organization;

''(D) has demonstrated expertise in the education of Native Hawaiian youth; and

''(E) has demonstrated expertise in research and program development.

''(4) NATIVE HAWAIIAN LANGUAGE.—The term 'Native Hawaiian language' means the single Native American language indigenous to the original inhabitants of the State of Hawai'i.

''(5) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means a private nonprofit organization that—

''(A) serves the interests of Native Hawaiians;

''(B) has Native Hawaiians in substantive and policymaking positions within the organizations; and

''(C) is recognized by the Governor of Hawai'i for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

''(6) OFFICE OF HAWAIIAN AFFAIRS.—The term 'Office of Hawaiian Affairs' means the office of Hawaiian Affairs established by the Constitution of the State of Hawai'i.

''PART C—ALASKA NATIVE EDUCATION

''SEC. 9301. SHORT TITLE.

''This part may be cited as the 'Alaska Native Educational Equity, Support, and Assistance Act'.

''SEC. 9302. FINDINGS.

''Congress finds the following:

''(1) The attainment of educational success is critical to the betterment of the conditions, long-term well-being, and preservation of the culture of Alaska Natives.

''(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs.

''(3) Alaska Native children enter and exit school with serious educational handicaps.

''(4) The educational achievement of Alaska Native children is far below national norms. Native performance on standardized tests is low, Native student dropout rates are high, and Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result, Native students are being denied their opportunity to become full participants in society by grade school and high school educations that are condemning an entire generation to an underclass status and a life of limited choices.

''(5) The programs authorized in this title, combined with expanded Head Start, infant learning and early childhood education programs, and parent education programs are essential if educational handicaps are to be overcome.

''(6) The sheer magnitude of the geographic barriers to be overcome in delivering educational services in rural Alaska and Alaska villages should be addressed through the development and implementation of innovative, model programs in a variety of areas.

''(7) Congress finds that Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

''SEC. 9303. PURPOSES.

''The purposes of this part are to—

''(1) recognize the unique educational needs of Alaska Natives;

''(2) authorize the development of supplemental educational programs to benefit Alaska Natives;

''(3) supplement programs and authorities in the area of education to further the objectives of this part; and

''(4) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

''SEC. 9304. PROGRAM AUTHORIZED.

''(a) GENERAL AUTHORITY.—

''(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, and consortia of such organizations and entities to carry out programs that meet the purposes of this part.

''(2) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include—

''(A) the development and implementation of plans, methods, and strategies to improve the education of Alaska Natives;

''(B) the development of curricula and educational programs that address the educational needs of Alaska Native students, including—

''(i) curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives;

''(ii) instructional programs that make use of Native Alaskan languages; and

''(iii) networks that introduce successful programs, materials, and techniques to urban and rural schools;

''(C) professional development activities for educators, including—

''(i) programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students;

''(ii) in-service programs to improve the ability of teachers to meet the unique needs of Alaska Native students; and

''(iii) recruitment and preparation of teachers who are Alaska Native, reside in communities with high concentrations of Alaska Native students, or are likely to succeed as teachers in isolated, rural communities and engage in cross-cultural instruction in Alaska;

''(D) the development and operation of home instruction programs for Alaska Native preschool children, the purpose of which is to ensure the active involvement of parents in their children's education from the earliest ages;

''(E) family literacy services;

''(F) the development and operation of student enrichment programs in science and mathematics that—

''(i) are designed to prepare Alaska Native students from rural areas, who are preparing to enter secondary school, to excel in science and math; and

''(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs;

''(G) research and data collection activities to determine the educational status and needs of Alaska Native children and adults;

''(H) other research and evaluation activities related to programs carried out under this part; and

''(I) other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

''(3) HOME INSTRUCTION PROGRAMS.—Home instruction programs for Alaska Native preschool children carried out under paragraph (2)(D) may include—

''(A) programs for parents and their infants, from the prenatal period of the infant through age 3;

''(B) preschool programs; and

''(C) training, education, and support for parents in such areas as reading readiness, observation, story telling, and critical thinking.

''(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grant recipient under this section for any fiscal year may be used for administrative purposes.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $17,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''SEC. 9305. ADMINISTRATIVE PROVISIONS.

''(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

''(b) APPLICATIONS.—A State educational agency or local educational agency may apply for a grant or contract under this part only as part of a consortium involving an Alaska Native organization. The consortium may include other eligible applicants.

''(c) CONSULTATION REQUIRED.—Each applicant for a grant or contract under this part shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

''(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for a grant or contract under this part shall inform each local educational agency serving students who will participate in the program to be carried out under the grant or contract about the application.

''SEC. 9306. DEFINITIONS.

''In this part:

''(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act.

''(2) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native organization' means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, or another organization that—

''(A) has or commits to acquire expertise in the education of Alaska Natives; and

''(B) has Alaska Natives in substantive and policymaking positions within the organization.''.

SEC. 902. INDIAN SCHOOL CONSTRUCTION.

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term ''Bureau'' means the Bureau of Indian Affairs of the Department of the Interior.

(2) INDIAN.—The term ''Indian'' means any individual who is a member of a tribe.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRIBAL SCHOOL.—The term ''tribal school'' means an elementary school, secondary school, or dormitory that is operated by a tribal organization for the education of Indian children and that receives financial assistance for its operation under a contract, grant, or agreement with the Bureau under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(a), and 458d).

(5) TRIBE.—The term ''tribe'' means any Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation, or Village Corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(b) ISSUANCE OF BONDS.—

(1) IN GENERAL.—The Secretary shall establish a pilot program under which eligible tribes have the authority to issue tribal school modernization bonds to provide funding for the improvement, repair, and new construction of tribal schools.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to issue bonds under the program under paragraph (1), a tribe shall prepare and submit to the Secretary a plan of construction that meets the requirements of subparagraph (B).

(B) PLAN OF CONSTRUCTION.—A plan of construction meets the requirements of this subparagraph if such plan—

(i) contains a description of the improvements, repairs, or new construction to be undertaken with funding provided under the bond;

(ii) demonstrates that a comprehensive survey has been undertaken concerning the construction or renovation needs of the tribal school involved;

(iii) contains assurances that funding under the bond will be used only for the activities described in the plan; and

(iv) contains any other reasonable and related information determined appropriate by the Secretary.

(C) PRIORITY.—In determining whether a tribe is eligible to participate in the program under this section, the Secretary shall give priority to tribes that, as demonstrated by the relevant plans of construction, will fund projects described in the Replacement School Construction priority list of the Bureau of Indian Affairs, as maintained under the Indian Self-Determination and Education Assistance Act.

(D) APPROVAL.—Except as provided in subparagraph (C), the Secretary shall approve the issuance of qualified tribal school modernization bonds by tribes with approved plans of construction on the basis of the order in which such plans were received by the Secretary. Such approval shall not be unreasonably withheld.

(3) PERMISSIBLE ACTIVITIES.—In addition to the use of funds permitted under paragraph (1), a tribe may use amounts received through the issuance of a bond to—

(A) enter into contracts with architects, engineers, and construction firms in order to determine the needs of the tribal school and for the design and engineering of the school;

(B) enter into contracts with financial advisors, underwriters, attorneys, trustees, and other professionals who would be able to provide assistance to the tribe in issuing bonds; and

(C) carry out other activities determined appropriate by the Secretary.

(4) BOND TRUSTEE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, any tribal school construction bond issued by a tribe under this section shall be subject to a trust agreement between the tribe and a trustee.

(B) TRUSTEE.—Any bank or trust company that meets requirements established by the Secretary by regulation may be designated as a trustee under subparagraph (A).

(C) CONTENT OF TRUST AGREEMENT.—A trust agreement entered into by a tribe under this paragraph shall specify that the trustee, with respect to bonds issued under this section shall—

(i) act as a repository for the proceeds of the bond;

(ii) make payments to bondholders;

(iii) from any amounts in excess of the amounts necessary to make payments to bondholders, in accordance with the requirements of subparagraph (D), make direct payments to contractors with the governing body of the tribe for facility improvement, repair, or new construction pursuant to this section; and

(iv) invest in the tribal school modernization escrow account established under paragraph (6)(B) such amounts of the proceeds as the trustee determines not to be necessary to make payments under clauses (ii) and (iii).

(D) REQUIREMENTS FOR MAKING DIRECT PAYMENTS.—

(i) IN GENERAL.—Notwithstanding any other provision of law, only the trustee shall make the direct payments referred to in subparagraph (C)(iii) in accordance with requirements that the tribe shall prescribe in the agreement entered into under subparagraph (C). The tribe shall require the trustee, prior to making a payment to a contractor under subparagraph (C)(iii), to inspect the project that is the subject of the contract, or provide for an inspection of that project by a local financial institution, to ensure the completion of the project.

(ii) CONTRACTS.—Each contract referred to in subparagraph (C)(iii) shall specify, or be renegotiated to specify, that payments under the contract shall be made in accordance with this subsection.

(5) PAYMENTS OF PRINCIPAL AND INTEREST.—

(A) PRINCIPAL.—Qualified tribal school modernization bonds shall be issued under this section as interest only for a period of 15

years from the date of issuance. Upon the expiration of such 15-year period, the entire outstanding principal under the bond shall become due and payable.

(B) INTEREST.—Interest on a qualified tribal school modernization bond shall be in the form of a tax credit under section 1400F of the Internal Revenue Code of 1986.

(6) BOND GUARANTEES.—

(A) IN GENERAL.—Payment of the principal portion of a qualified tribal school modernization bond issued under this section shall be guaranteed by amounts deposited in the tribal school modernization escrow account established under subparagraph (B).

(B) ESTABLISHMENT OF ACCOUNT.—

(i) IN GENERAL.—Notwithstanding any other provision of law, subject to the availability of amounts made available under an appropriations Act, beginning in fiscal year 2001, the Secretary may deposit not more than $30,000,000 of unobligated funds into a tribal school modernization escrow account.

(ii) PAYMENTS.—The Secretary shall use any amounts deposited in the escrow account under clause (i) and paragraph (4)(C)(iv) to make payments to holders of qualified tribal school modernization bonds issued under this section.

(7) LIMITATIONS.—

(A) OBLIGATION OF TRIBES.—Notwithstanding any other provision of law, a tribe that issues a qualified tribal school modernization bond under this section shall not be obligated to repay the principal on the bond.

(B) LAND AND FACILITIES.—Any land or facilities purchased or improved with amounts derived from qualified tribal school modernization bonds issued under this section shall not be mortgaged or used as collateral for such bonds.

SEC. 903. CONFORMING AMENDMENTS.

(a) HIGHER EDUCATION ACT OF 1965.—Section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)) is amended—

(1) in paragraph (1), by striking ''section 9308'' and inserting ''section 9306''; and

(2) in paragraph (3), by striking ''section 9212'' and inserting ''section 9207''.

(b) PUBLIC LAW 88–210.—Section 116 of Public Law 88–210 (as added by section 1 of Public Law 105–332 (112 Stat. 3076)) is amended by striking ''section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)'' and inserting ''section 9207 of the Native Hawaiian Education Act''.

(c) CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998.—Section 116(a)(5) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2326(a)(5)) is amended by striking ''section 9212'' and all that follows and inserting ''section 9207 of the Native Hawaiian Education Act''.

(d) MUSEUM AND LIBRARY SERVICES ACT.—Section 261 of the Museum and Library Services Act (20 U.S.C. 9161) is amended by striking ''section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)'' and inserting ''section 9207 of the Native Hawaiian Education Act''.

(e) ACT OF APRIL 16, 1934.—Section 5 of the Act of April 16, 1934 (commonly known as the ''Johnson-O'Malley Act'') (88 Stat. 2213; 25 U.S.C. 456) is amended by striking ''section 9104(c)(4)'' and inserting ''section 9114(c)(4)''.

(f) NATIVE AMERICAN LANGUAGES ACT.—Section 103 of the Native American Languages Act (25 U.S.C. 2902) is amended—

(1) in paragraph (2), by striking ''section 9161(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881(4))'' and inserting ''section 9161(3) of the Elementary and Secondary Education Act of 1965''; and

(2) in paragraph (3), by striking ''section 9212(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7912(1))'' and inserting ''section 9207 of the Elementary and Secondary Education Act of 1965''.

(g) WORKFORCE INVESTMENT ACT OF 1998.—Section 166(b)(3) of the Workforce Investment Act of 1998 (29 U.S.C. 2911(b)(3)) is amended by striking ''paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)'' and inserting ''section 9207 of the Native Hawaiian Education Act''.

(h) ASSETS FOR INDEPENDENCE ACT.—Section 404(11) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking ''section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)'' and inserting ''section 9207 of the Native Hawaiian Education Act''.

TITLE X—PROGRAMS OF NATIONAL SIGNIFICANCE

PART A—FUND FOR THE IMPROVEMENT OF EDUCATION; ARTS IN EDUCATION

SEC. 1001. FUND FOR THE IMPROVEMENT OF EDUCATION

Part A of title X (20 U.S.C. 8001 et seq.) is amended to read as follows:

''PART A—FUND FOR THE IMPROVEMENT OF EDUCATION

''SEC. 10101. FUND FOR THE IMPROVEMENT OF EDUCATION.

''(a) FUND AUTHORIZED.—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of elementary and secondary education. The Secretary is authorized to carry out such programs and projects directly or through grants to, or contracts with, State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

''(b) USES OF FUNDS.—Funds under this section may be used for—

''(1) programs under section 10102;

''(2) programs under section 10103;

''(3) programs under section 10104;

''(4) programs under section 10105;

''(5) programs under section 10106;

''(6) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools; and

''(7) the development and evaluation of model strategies for professional development for teachers and administrators.

''(c) AWARDS.—

''(1) IN GENERAL.—The Secretary may make awards under this section on the basis of competitions announced by the Secretary.

''(2) SPECIAL RULE.—The Secretary shall ensure that programs, projects, and activities supported under this section are designed so that the effectiveness of such programs, projects, and activities is readily ascertainable.

''(3) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for assistance under this section and may use funds appropriated under subsection (d) for the cost of such peer review.

''(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''SEC. 10102. PARTNERSHIPS IN CHARACTER EDUCATION PROGRAM.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities for the design and implementation of character education programs that incorporate the elements of character described in subsection (d), as well as other character elements identified by the eligible entities.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State educational agency in partnership with 1 or more local educational agencies;

''(B) a State educational agency in partnership with—

''(i) 1 or more local educational agencies; and

''(ii) 1 or more nonprofit organizations or entities, including institutions of higher education;

''(C) a local educational agency or consortium of local educational agencies; or

''(D) a local educational agency in partnership with another nonprofit organization or entity, including institutions of higher education.

''(3) DURATION.—Each grant under this section shall be awarded for a period not to exceed 3 years, of which the eligible entity shall not use more than 1 year for planning and program design.

''(b) APPLICATIONS.—

''(1) REQUIREMENT.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(2) CONTENTS OF APPLICATION.—Each application submitted under this section shall include—

''(A) a description of any partnerships or collaborative efforts among the organizations and entities of the eligible entity;

''(B) a description of the goals and objectives of the program proposed by the eligible entity;

''(C) a description of activities that will be pursued and how those activities will contribute to meeting the goals and objectives described in subparagraph (B), including—

''(i) how parents, students, and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program and how the eligible entity will work with the larger community to increase the reach and promise of the program;

''(ii) curriculum and instructional practices that will be used or developed;

''(iii) methods of teacher training and parent education that will be used or developed; and

''(iv) how the program will be linked to other efforts in the schools to improve student performance;

''(D) in the case of an eligible entity that is a State educational agency—

''(i) a description of how the State educational agency will provide technical and professional assistance to its local educational agency partners in the development and implementation of character education programs; and

''(ii) a description of how the State educational agency will assist other interested local educational agencies that are not members of the original partnership in designing and establishing character education programs;

''(E) a description of how the eligible entity will evaluate the success of its program—

''(i) based on the goals and objectives described in subparagraph (B); and

''(ii) in cooperation with the national evaluation conducted pursuant to subsection (c)(2)(B)(iii);

''(F) an assurance that the eligible entity annually will provide to the Secretary such information as may be required to determine the effectiveness of the program; and

''(G) any other information that the Secretary may require.

''(c) EVALUATION AND PROGRAM DEVELOPMENT.—

''(1) EVALUATION AND REPORTING.—

''(A) STATE AND LOCAL REPORTING AND EVALUATION.—Each eligible entity receiving

a grant under this section shall submit to the Secretary a comprehensive evaluation of the program assisted under this section, including the impact on students, teachers, administrators, parents, and others—

''(i) by the second year of the program; and

''(ii) not later than 1 year after completion of the grant period.

''(B) CONTRACTS FOR EVALUATION.—Each eligible entity receiving a grant under this section may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for purposes of evaluating its program and measuring the success of the program toward fostering in students the elements of character described in subsection (d).

''(2) NATIONAL RESEARCH, DISSEMINATION, AND EVALUATION.—

''(A) IN GENERAL.—The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, State or local educational agencies, institutions of higher education, tribal organizations, or other public or private agencies or organizations to carry out research, development, dissemination, technical assistance, and evaluation activities that support or inform State and local character education programs. The Secretary shall reserve not more than 5 percent of the funds made available under this section to carry out this paragraph.

''(B) USES.—Funds made available under subparagraph (A) may be used—

''(i) to conduct research and development activities that focus on matters such as—

''(I) the effectiveness of instructional models for all students;

''(II) materials and curricula that can be used by programs in character education;

''(III) models of professional development in character education; and

''(IV) the development of measures of effectiveness for character education programs which may include the factors described in paragraph (3);

''(ii) to provide technical assistance to State and local programs, particularly on matters of program evaluation;

''(iii) to conduct a national evaluation of State and local programs receiving funding under this section; and

''(iv) to compile and disseminate, through various approaches (such as a national clearinghouse)—

''(I) information on model character education programs;

''(II) character education materials and curricula;

''(III) research findings in the area of character education and character development; and

''(IV) any other information that will be useful to character education program participants, educators, parents, administrators, and others nationwide.

''(C) PRIORITY.—In carrying out national activities under this paragraph related to development, dissemination, and technical assistance, the Secretary shall seek to enter into partnerships with national, nonprofit character education organizations with expertise and successful experience in implementing local character education programs that have had an effective impact on schools, students, including students with disabilities, and teachers.

''(3) FACTORS.—Factors which may be considered in evaluating the success of programs funded under this section may include—

''(A) discipline issues;

''(B) student performance;

''(C) participation in extracurricular activities;

''(D) parental and community involvement;

''(E) faculty and administration involvement;

''(F) student and staff morale; and

''(G) overall improvements in school climate for all students.

''(d) ELEMENTS OF CHARACTER.—

''(1) IN GENERAL.—Each eligible entity desiring funding under this section shall develop character education programs that incorporate the following elements of character:

''(A) Caring.

''(B) Civic virtue and citizenship.

''(C) Justice and fairness.

''(D) Respect.

''(E) Responsibility.

''(F) Trustworthiness.

''(G) Any other elements deemed appropriate by the members of the eligible entity.

''(2) ADDITIONAL ELEMENTS OF CHARACTER.—An eligible entity participating under this section may, after consultation with schools and communities served by the eligible entity, define additional elements of character that the eligible entity determines to be important to the schools and communities served by the eligible entity.

''(e) USE OF FUNDS BY STATE EDUCATIONAL AGENCY RECIPIENTS.—Of the total funds received in any fiscal year under this section by an eligible entity that is a State educational agency—

''(1) not more than 10 percent of such funds may be used for administrative purposes; and

''(2) the remainder of such funds may be used for—

''(A) collaborative initiatives with and between local educational agencies and schools;

''(B) the preparation or purchase of materials, and teacher training;

''(C) grants to local educational agencies or schools; and

''(D) technical assistance and evaluation.

''(f) SELECTION OF GRANTEES.—

''(1) CRITERIA.—The Secretary shall select, through peer review, eligible entities to receive grants under this section on the basis of the quality of the applications submitted under subsection (b), taking into consideration such factors as—

''(A) the quality of the activities proposed to be conducted;

''(B) the extent to which the program fosters in students the elements of character described in subsection (d) and the potential for improved student performance;

''(C) the extent and ongoing nature of parental, student, and community involvement;

''(D) the quality of the plan for measuring and assessing success; and

''(E) the likelihood that the goals of the program will be realistically achieved.

''(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this section in a manner that ensures, to the extent practicable, that programs assisted under this section—

''(A) serve different areas of the Nation, including urban, suburban, and rural areas; and

''(B) serve schools that serve minorities, Native Americans, students of limited-English proficiency, disadvantaged students, and students with disabilities.

''(g) PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.—Grantees under this section shall provide, to the extent feasible and appropriate, for the participation of students and teachers in private elementary and secondary schools in programs and activities under this section.

''SEC. 10103. PROMOTING SCHOLAR-ATHLETE COMPETITIONS.

''(a) IN GENERAL.—The Secretary is authorized to award a grant to a nonprofit organization to reimburse such organization for the costs of conducting scholar-athlete games.

''(b) PRIORITY.—In awarding the grant under subsection (a), the Secretary shall give priority to a nonprofit organization that—

''(1) is described in section 501(c)(3) of, and exempt from taxation under section 501(a) of, the Internal Revenue Code of 1986, and is affiliated with a university capable of hosting a large educational, cultural, and athletic event that will serve as a national model;

''(2) has the capability and experience in administering federally funded scholar-athlete games;

''(3) has the ability to provide matching funds, on a dollar-for-dollar basis, from foundations and the private sector for the purpose of conducting a scholar-athlete program;

''(4) has the organizational structure and capability to administer a model scholar-athlete program; and

''(5) has the organizational structure and expertise to replicate the scholar-athlete program in various venues throughout the United States internationally.

''SEC. 10104. ELEMENTARY SCHOOL COUNSELING DEMONSTRATION.

''(a) COUNSELING DEMONSTRATION.—

''(1) IN GENERAL.—The Secretary may award grants under this section to establish or expand elementary school counseling programs.

''(2) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

''(A) demonstrate the greatest need for new or additional counseling services among the children in the elementary schools served by the applicant;

''(B) propose the most promising and innovative approaches for initiating or expanding elementary school counseling; and

''(C) show the greatest potential for replication and dissemination.

''(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

''(4) DURATION.—A grant under this section shall be awarded for a period not to exceed 3 years.

''(5) MAXIMUM GRANT.—A grant under this section shall not exceed $400,000 for any fiscal year.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) CONTENTS.—Each application for a grant under this section shall—

''(A) describe the elementary school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

''(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

''(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

''(D) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

''(E) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of elementary school counselors, school psychologists, and school social workers;

''(F) document that the applicant has the personnel qualified to develop, implement, and administer the program;

''(G) describe how any diverse cultural populations, if applicable, would be served through the program;

''(H) assure that the funds made available under this section for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

''(I) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Grant funds under this section shall be used to initiate or expand elementary school counseling programs that comply with the requirements in paragraph (2).

''(2) PROGRAM REQUIREMENTS.—Each program assisted under this section shall—

''(A) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

''(B) use a developmental, preventive approach to counseling;

''(C) increase the range, availability, quantity, and quality of counseling services in the elementary schools of the local educational agency;

''(D) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

''(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decision-making, academic and career planning, or to improve social functioning;

''(F) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

''(G) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

''(H) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

''(I) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration; and

''(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section.

''(3) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subsection at the end of each grant period in accordance with section 10301.

''(4) DISSEMINATION.—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

''(5) LIMIT ON ADMINISTRATION.—Not more than five percent of the amounts made available under this section in any fiscal year shall be used for administrative costs to carry out this section.

''(d) DEFINITIONS.—For purposes of this section:

''(1) SCHOOL COUNSELOR.—The term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

''(A) possesses State licensure or certification granted by an independent professional regulatory authority;

''(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

''(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent.

''(2) SCHOOL PSYCHOLOGIST.—The term 'school psychologist' means an individual who—

''(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

''(B) possesses State licensure or certification in school psychology in the State in which the individual works; or

''(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board.

''(3) SCHOOL SOCIAL WORKER.—The term 'school social worker' means an individual who—

''(A)(i) holds a master's degree in social work from a program accredited by the Council on Social Work Education; and

''(ii) is licensed or certified by the State in which services are provided; or

''(B) in the absence of such State licensure or certification, possesses national certification as a school social work specialist granted by an independent professional organization.

''(4) SUPERVISOR.—The term 'supervisor' means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

''SEC. 10105. SMALLER LEARNING COMMUNITIES.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary may award grants to eligible entities to support the development of smaller learning communities.

''(2) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means—

''(A) a local educational agency;

''(B) an elementary or secondary school;

''(C) a Bureau funded school; or

''(D) any of the entities described in subparagraph (A), (B), or (C) in partnership with other public agencies or private nonprofit organizations.

''(b) APPLICATIONS.—A eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall describe—

''(1) strategies and methods the applicant will use to create the smaller learning community;

''(2) curriculum and instructional practices, including any particular themes or emphases, to be used in the learning environment;

''(3) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the smaller learning community;

''(4) the process to be used for involving students, parents and other stakeholders in the development and implementation of the smaller learning community;

''(5) any cooperation or collaboration among community agencies, organizations, businesses, and others to develop or implement a plan to create the smaller learning community;

''(6) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this section;

''(7) the goals and objectives of the activities assisted under this section, including a description of how such activities will better enable all students to reach challenging State content standards and State student performance standards;

''(8) the methods by which the applicant will assess progress in meeting such goals and objectives;

''(9) if the smaller learning community exists as a school-within-a-school, the relationship, including governance and administration, of the smaller learning community to the rest of the school;

''(10) a description of the administrative and managerial relationship between the applicant and the smaller learning community, including how such applicant will demonstrate a commitment to the continuity of the smaller learning community, including the continuity of student and teacher assignment to a particular learning community;

''(11) how the applicant will coordinate or use funds provided under this section with other funds provided under this Act or other Federal laws;

''(12) grade levels or ages of students who will participate in the smaller learning community; and

''(13) the method of placing students in the smaller learning community, such that students are not placed according to ability, performance or any other measure, so that students are placed at random or by their own choice, not pursuant to testing or other judgments.

''(c) AUTHORIZED ACTIVITIES.—Funds under this section may be used—

''(1) to study the feasibility of creating the smaller learning community as well as effective and innovative organizational and instructional strategies that will be used in the smaller learning community;

''(2) to research, develop and implement strategies for creating the smaller learning community, as well as effective and innovative changes in curriculum and instruction, geared to high State content standards and State student performance standards;

''(3) to provide professional development for school staff in innovative teaching methods that challenge and engage students and will be used in the smaller learning community; and

''(4) to develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities, as facilitators of activities that enable teachers to participate in professional development activities, as well as to provide links between students and their community.

''(d) EVALUATION AND REPORT.—A recipient of a grant under this section shall provide the Secretary with an annual report that contains a description of—

''(1) the specific uses of grants funds received under this section; and

''(2) evidence of the impact of the grant on student performance and school safety.

''SEC. 10106. NATIONAL STUDENT AND PARENT MOCK ELECTION.

''(a) IN GENERAL.—The Secretary is authorized to award grants to national nonprofit, nonpartisan organizations that work to promote voter participation in American elections to enable such organizations to carry out voter education activities for students and their parents. Such activities shall—

''(1) be limited to simulated national elections that permit participation by students and parents from all 50 States in the United States and territories, including Department of Defense Dependent schools and other international locales where United States citizens are based; and

''(2) consist of—

''(A) school forums and local cable call-in shows on the national issues to be voted upon in an ''issue forum'';

''(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

''(C) quiz team competitions, mock press conferences and speechwriting competitions;

''(D) weekly meetings to follow the course of the campaign; or

''(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

''(b) REQUIREMENTS.—Each organization receiving a grant under this section shall—

''(1) present awards to outstanding student and parent mock election projects; and

''(2) record all votes at least 5 days prior to the date of the general election.''.

PART B—GIFTED AND TALENTED CHILDREN

SEC. 1010. GIFTED AND TALENTED CHILDREN

Part B of title X (20 U.S.C. 8031 et seq.) is amended to read as follows:

''PART B—GIFTED AND TALENTED CHILDREN

''SEC. 10201. SHORT TITLE.

''This part may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act'.

''SEC. 10202. STATEMENT OF PURPOSE.

''(a) PURPOSE.—The purpose of this part is—

''(1) to provide grants to State educational agencies and local public schools for the support of programs, classes, and other services designed to meet the needs of the Nation's gifted and talented students in elementary schools and secondary schools;

''(2) to encourage the development of rich and challenging curricula for all students through the appropriate application and adaptation of materials and instructional methods developed under this part; and

''(3) to supplement and make more effective the expenditure of State and local funds for the education of gifted and talented students.

''SEC. 10203. CONSTRUCTION.

''Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational setting where appropriate.

''SEC. 10204. AUTHORIZATION OF APPROPRIATIONS; TRIGGER.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $155,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) TRIGGER.—Notwithstanding any other provision of this part, if the amount appropriated under subsection (a) for a fiscal year is less than $50,000,000, then the Secretary shall use such amount to carry out part B of title X (as such part was in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000).

''SEC. 10205. ALLOTMENT TO STATES.

''(a) RESERVATION.—From the funds appropriated under section 10204(a) for any fiscal year, the Secretary shall reserve not more than 1 percent for payments to the outlying areas to be allotted to the outlying areas in accordance with their respective needs for assistance under this part.

''(b) ALLOTMENT.—From the funds appropriated under section 10204(a) that are not reserved under subsection (a), the Secretary shall allot to each State an amount that bears the same relation to the funds as the school-age population of the State bears to the school-age population of all States, except that no State shall receive an allotment that is less than 0.50 percent of the funds.

''(c) GRANDFATHER CLAUSE.—If the amount appropriated under section 10204(a) for a fiscal year is $50,000,000 or more, then the Secretary shall use such amount to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under this part B (as such part was in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000) for the duration of the grant or contract award.

''SEC. 10206. STATE APPLICATIONS.

''(a) APPLICATION REQUIREMENTS.—Any State that desires to receive assistance under this part shall submit to the Secretary an application that—

''(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

''(2) contains an assurance of the State educational agency's ability to provide matching funds for the activities to be assisted under this part in an amount equal to not less than 20 percent of the grant funds to be received, provided in cash or in-kind;

''(3) provides for a biennial submission of data regarding the use of funds under this part, the types of services furnished under this part, and how the services impacted the individuals assisted under this part;

''(4) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with all State educational agency fiscal audit and program evaluation responsibilities under this Act);

''(5) contains an assurance that there is compliance with the requirements of this part; and

''(6) provides for timely public notice and public dissemination of the data submitted pursuant to paragraph (3).

''(b) DURATION AND AMENDMENTS.—An application filed by the State under subsection (a) shall be for a period not to exceed 3 years.

''SEC. 10207. STATE USES OF FUNDS.

''(a) IN GENERAL.—A State educational agency shall not use more than 10 percent of the funds made available under this part for—

''(1) establishment and implementation of a peer review process for grant applications under this part;

''(2) supervision of the awarding of funds to local educational agencies or consortia thereof to support gifted and talented students from all economic, ethnic, and racial backgrounds, including such students of limited English proficiency and such students with disabilities;

''(3) planning, supervision, and processing of funds made available under this section;

''(4) monitoring, evaluation, and dissemination of programs and activities assisted under this part, including the submission of an annual report to the Secretary that describes the number of students served and the education activities assisted under the grant;

''(5) providing technical assistance under this part; and

''(6) supplementing, but not supplanting, the amount of State and local funds expended for the education of, and related services provided for, the education of gifted and talented students.

''(b) PARENTAL SUPPORT.—A State educational agency shall not use more than 2 percent of the funds made available under this part for providing information, education, and support to parents of gifted and talented children to enhance the parents' ability to participate in decisions regarding their children's educational programs.

''SEC. 10208. DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.

''(a) GRANT COMPETITION.—A State educational agency shall use not less than 88 percent of the funds made available under this part to award grants, on a competitive basis, to local educational agencies or consortia thereof to support programs, classes, and other services designed to meet the needs of gifted and talented students.

''(b) SIZE OF GRANT.—A State educational agency shall award a grant under this part for any fiscal year in an amount sufficient to meet the needs of the students to be served under the grant.

''SEC. 10209. LOCAL APPLICATION REQUIREMENTS.

''(a) APPLICATION.—To be eligible to receive a grant under this part the local educational agency or consortium shall submit an application to the State educational agency.

''(b) CONTENTS.—Each such application shall include—

''(1) an assurance that the funds received under this part will be used to identify and support gifted and talented students, including gifted and talented students from all economic, ethnic, and racial backgrounds, including such students of limited English proficiency, and such students with disabilities;

''(2) a description of how the local educational agency or consortium will meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students.

''SEC. 10210. LOCAL USES OF FUNDS.

''Grants awarded under this part shall be used by local educational agencies or consortia to carry out 1 or more of the following activities to benefit gifted and talented students:

''(1) PROFESSIONAL DEVELOPMENT PROGRAMS.—Developing and implementing programs to address State and local needs for inservice training activities for general educators, specialists in gifted and talented education, administrators, school counselors, or other school personnel.

''(2) IDENTIFICATION OF STUDENTS.—Delivery of services to gifted and talented students who may not be identified and served through traditional assessment methods, including economically disadvantaged individuals, individuals of limited English proficiency, and individuals with disabilities.

''(3) MODEL PROJECTS.—Supporting and implementing innovative strategies such as cooperative learning, service learning, peer tutoring, independent study, and adapted curriculum used by schools or consortia.

''(4) EMERGING TECHNOLOGIES.—Assisting schools or consortia of schools, that do not have the resources to otherwise provide gifted and talented courses, to provide the

courses through new and emerging technologies, including distance learning curriculum packages, except that funds under this part shall not be used for the purchase or upgrading of technological hardware.

"SEC. 10211. PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.

''In awarding grants under this part the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private, nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such children.

"SEC. 10212. ESTABLISHMENT OF NATIONAL CENTER.

''(a) PURPOSE.—The purposes of a National Center for Research and Development in the Education of Gifted and Talented Children and Youth are—

''(1) to develop, disseminate, and evaluate model projects and activities for serving gifted and talented students;

''(2) to conduct research regarding innovative methods for identifying and educating gifted and talented students; and

''(3) to provide technical assistance programs that will further the education of gifted and talented students, including how gifted and talented programs, where appropriate, may be adapted for use by all students.

''(b) CENTER ESTABLISHED.—The Secretary shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with 1 or more institutions of higher education, State educational agencies, or a consortia of such institutions and agencies.

''(c) DIRECTOR.—The National Center shall have a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with other institutions of higher education, and State educational agencies or local educational agencies.

''(d) GRANDFATHER CLAUSE.—If the amount appropriated under section 10204(a) for a fiscal year is $50,000,000 or more, then the Secretary shall use such amount to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under section 10204(c) (as such section was in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000) for the duration of the grant or contract award.

''(e) FUNDING.—The Secretary may use not more than 30 percent of the funds made available under section 10204(a) for any fiscal year to carry out this section.''.

PART C—HIGH SCHOOL REFORM

SEC. 1021. HIGH SCHOOL REFORM.

Title X (20 U.S.C. 8001 et seq.) is amended by inserting after part B the following:

"PART C—HIGH SCHOOL REFORM

"SEC. 10301. FINDINGS AND PURPOSES.

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

''(1) All high school students must obtain the academic foundations needed for further education and training, and to succeed in an economy that is increasingly characterized by global competition, evolving technologies, and high demands for a skilled, literate, and adaptable workforce.

''(2) To be effective, high schools must not only prepare students academically, they must also ensure that students are connecting with adults and are receiving the necessary supports to continue their personal and interpersonal growth during this critical transition stage.

''(3) Effective high schools are places where students feel safe, the school is free of drugs, and the classrooms are disciplined environments where all students can learn. High schools are increasingly larger places where students feel increasingly disconnected from adults and often from their peers, particularly in urban and suburban areas. Research shows that when students feel connected to school and to their parents, they are less likely than other adolescents to suffer from emotional distress, have suicidal thoughts and behaviors, use violence, and smoke cigarettes, drink alcohol, or smoke marijuana.

''(4) Research and national data collections indicate that many high schools do not succeed in meeting both the academic and developmental needs of students. For example—

''(A) more than 20 percent of Americans, ages 25 through 29, do not have a regular high school diploma;

''(B) on the most recent international assessment of mathematics and science knowledge, the Third International Mathematics and Science Study (TIMSS), American 12th-graders outperformed students from only two of the 21 other participating Nations. A comparison of these assessment results with 4th-grade and 8th-grade TIMSS scores indicates that American students lose ground during the high school years;

''(C) recent results from National Assessment of Educational Progress reading assessments for 12th-graders indicate improvement in the performance of higher-achieving students, but no improvement in the scores for the lowest-achieving students;

''(D) the problems facing high schools are particularly prevalent in schools that enroll concentrations of minority students and students from low-income families; and

''(E) relatively few high schools are undertaking serious, standards-based educational reforms. For instance, most of the initiatives carried out through the Comprehensive School Reform Demonstrations program have been at the elementary level.

''(5) Because of changes made by the Improving America's Schools Act of 1994, high schools now receive significantly more title I funding than was the case before, and the number of high schools operating title I schoolwide programs has increased. However, evaluations indicate that title I, by itself, has not yet resulted in significant reforms in high schools. High schools now have the opportunity to use title I funds to leverage Federal, State, and local funds to implement education reforms.

''(6) High school reforms can be effective. For example, schools participating in the Southern Regional Education Board 'High Schools that Work' program, a whole-school, research-based reform initiative, have shown significant improvement in reading and mathematics scores. The Johns Hopkins University Talent Development model has demonstrated promising results at its initial implementation site. The schools implementing locally based reforms and participating in the Department of Education's 'New American High Schools' initiative have generally achieved improved outcomes in graduation, attendance, and achievement.

''(7) A variety of approaches to high school reform, geared to local conditions and needs, can be effective. These approaches include 'schools within schools' and other innovations that create smaller learning environments and involve adults more fully in the lives of students, 'career academies' and other approaches that structure learning around careers, partnerships that pair schools with businesses or institutions of higher education, and reforms that reorganize the school day. In addition, most successful reforms include a strong focus on the professional development of participating educators and provision of in-depth academic, career, and college counseling.

''(b) PURPOSES.—The purposes of this part are to—

''(1) support the planning and implementation of educational reforms in high schools, particularly in urban and rural high schools that educate concentrations of students from low-income families, in order to—

''(A) meet the needs of students at risk of failing to achieve to challenging standards, by strengthening curriculum and instruction, offering extended learning opportunities, and providing professional development opportunities to school staff; and

''(B) improve title I schoolwide programs in high schools;

''(2) support the further development of educational reforms, designed specifically for high schools, that—

''(A) help students meet challenging State standards; and

''(B) increase connections between students and adults and provide safe learning environments;

''(3) create positive incentives for serious change in high schools, by offering rewards to participating schools that achieve significant improvements in student achievement;

''(4) increase the national knowledge base on effective high school reforms by identifying the most effective approaches and disseminating information on those approaches so that they can be adopted nationally; and

''(5) support the implementation of reforms in at least 5,000 American high schools by the year 2007.

"SEC. 10302. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) GRANTS AUTHORIZED.—The Secretary may make grants to local educational agencies, on a competitive basis, for activities, consistent with this part, carried out in their high schools.

''(b) DURATION.—Each grant under this section shall be for a period of up to three years.

''(c) LIMITATION.—The Secretary shall not provide assistance under this part to any high school under more than one grant.

"SEC. 10303. APPLICATIONS.

''(a) APPLICATIONS REQUIRED.—A local educational agency that desires to receive a grant under this part shall submit an application at such time, in such manner, and containing such information as the Secretary may determine.

''(b) CONTENTS.—Each such application shall, for each high school for which assistance is sought—

''(1) identify the school and describe its need for assistance under this part;

''(2) include—

''(A) a preliminary plan for grades above 8th grade in the school that describes the educational reforms that will take place, as well as the specific activities to be carried out with grant funds; and

''(B) an assurance that the local educational agency will have a final plan for those reforms and activities within six months of receiving a grant under this part; and

''(3) demonstrate that a substantial percentage of administrators, teachers, and students at the school, as well as parents of students and other members of the community, were (and will be) involved in developing and carrying out that plan.

"SEC. 10304. SELECTION OF GRANTEES.

''(a) IN GENERAL.—The Secretary shall select grantees, using a peer-review process, on the basis of—

''(1) the relative need of each high school for which assistance is sought, considering such factors as the percentage of students

who are from low-income families, student achievement data, dropout rates, and attendance rates; and

''(2) the quality of applications, including the likelihood that the proposed reforms will succeed.

''(b) APPLICATIONS FOR MORE THAN ONE HIGH SCHOOL.—In case of a meritorious application that requests assistance for more than one high school, the Secretary may approve the application for any number of those schools.

''(c) SPECIAL RULES.—In approving applications under this section, the Secretary shall—

''(1) to the extent possible, award a majority of grants under this part to assist high schools that participate in programs under part A of title I of this Act or serve high-poverty school attendance areas; and

''(2) equitably distribute grants among the geographic regions of the Nation and among urban and rural local educational agencies.

''SEC. 10305. PRINCIPLES AND COMPONENTS OF EDUCATIONAL REFORMS.

''(a) PRINCIPLES.—Each grantee under this part shall ensure that the reforms it carries out under this part are designed so that each assisted high school—

''(1) is a place where students receive individual attention and support, through such strategies as creating smaller learning environments, such as 'schools within schools' and career academies and providing students with counselors and mentors;

''(2) provides all students in the school with challenging coursework, aligned with State content and performance standards, through such strategies as the use of technology to enhance academic instruction and the establishment or expansion of international baccalaureate programs or advanced placement programs;

''(3) is a place where students are motivated to learn, through such strategies as applied learning and linking the arts, music, and cultural opportunities with the school, both during and after the normal school day;

''(4) enables students to receive an education that is continuous and integrated, through such strategies as partnerships with middle schools and institutions of higher education;

''(5) helps students achieve their educational and career goals, through such strategies as integrated academic and vocational instruction that connects students with career opportunities; and

''(6) functions as a center for the community, through such strategies as increasing the involvement of parents, employers, and others in the community.

''(b) REQUIRED COMPONENTS.—In order to institutionalize the principles described in subsection (a), each grantee under this part shall use funds that are provided on behalf of a high school to implement (and, if necessary, to use not more than six months to complete the planning and development of) research-based educational reform strategies throughout the entire school that—

''(1) in the case of a school with a schoolwide program under part A of title I, build on and improve the schoolwide reform program;

''(2) address the needs of students who are at risk of failing to be promoted to the next grade or to graduate, including—

''(A) covering material that students need to master in order to pass State-mandated exit exams; and

''(B) strengthening curriculum, instruction, and assessments and by offering extended learning opportunities such as after-school, weekend, and summer programs;

''(3) are implemented at the school level, but include strong support and assistance from the local educational agency, as documented in its application;

''(4) make full and effective use of the resources that the school receives under other Federal programs;

''(5) make use of outside experts in high-school reform, unless the local educational agency demonstrates in its application, to the Secretary's satisfaction, that the school's reform strategy can be implemented effectively without outside assistance;

''(6) include professional development of school staff, including development of the skills needed to use student achievement and other outcome data to refine and improve the educational reform strategy; and

''(7) provide for collecting data on, and evaluating, the reforms and for reporting to the Secretary on the results of those evaluations.

''SEC. 10306. PRIVATE SCHOOLS.

''(a) PROFESSIONAL DEVELOPMENT.—Each grantee under section 10304 shall, in accordance with sections 11803 through 11806, provide for the equitable participation of private school personnel in the professional development activities it carries out with grant funds.

''(b) INFORMATION.—If a grantee uses grant funds to develop curricular materials, it shall make information about those materials available to private schools at their request.

''SEC. 10307. ADDITIONAL ACTIVITIES.

''From the amount available to carry out this part for any fiscal year under section 10310, the Secretary shall reserve the amount he finds appropriate to carry out one or more of the following:

''(1) INCENTIVE AWARDS.—(A)(i) The Secretary shall select a random sample of schools from each of the first two years' cohorts of grantees, along with a similarly selected control group of comparable schools, to participate in an incentive-based experiment, under which the Secretary makes incentive payments to teachers and administrators in the grantee schools if, after three years of program participation, their students demonstrate significant gains in student educational outcomes compared to the gains made in the schools in the control group.

''(ii) If those significant gains continue, the Secretary may make further incentive payments to those teachers and administrators for up to two additional years.

''(B) The Secretary shall base determinations of student educational outcomes on multiple measures, including scores on State assessments.

''(C) The maximum amount of an incentive award under this paragraph is $3,000 per teacher and administrator per year, which may be used by those individuals for any purpose.

''(2) RECOGNITION, DISSEMINATION, NETWORKS, AND PEER REVIEW.—The Secretary may—

''(A) recognize high schools and high school reforms that show outstanding results;

''(B) disseminate information on those schools and reforms;

''(C) carry out other activities to encourage the spread and adoption of successful high school reform strategies;

''(D) facilitate the creation of networks among participating schools and local educational agencies, which may include schools and local educational agencies interested in meeting the purpose of this part; and

''(E) pay the costs of the peer review of applications under this part.

''(3) EVALUATION.—The Secretary may reserve funds, consistent with section 11911, to evaluate activities carried out under this part.

''SEC. 10308. CONSTRUCTION.

''Nothing in this Act shall be construed to prohibit recruiters for the Armed Forces of the United States from receiving the same access to secondary school students, and to directory information concerning such students, as is provided to postsecondary educational institutions or to prospective employers of such students, because all students should have access to high quality continuing education or service opportunities.

''SEC. 10309. DEFINITION OF HIGH SCHOOL.

''In this part, the term 'high school' means any school that serves students in 12th grade.

''SEC. 10310. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the four succeeding fiscal years.''.

PART D—ARTS IN EDUCATION

SEC. 1031. ARTS IN EDUCATION.

Section 10401 (20 U.S.C. 8091) is amended—

(1) in subsection (d)—

(A) by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively; and

(B) by inserting immediately after paragraph (8) the following new paragraph:

''(9) supporting model arts and cultural programs for at-risk children and youth, particularly programs that use arts and culture to promote students' academic progress;''; and

(2) by amending subsection (f) to read as follows:

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the four succeeding fiscal years.''.

PART E—EXCELLENCE IN ECONOMIC EDUCATION

SEC. 1041. EXCELLENCE IN ECONOMIC EDUCATION.

Part E of title X (20 U.S.C. 8031 et seq.) is amended to read as follows:

''PART E—EXCELLENCE IN ECONOMIC EDUCATION

''SEC. 10501. SHORT TITLE; FINDINGS.

''(a) SHORT TITLE.—This part may be cited as the 'Excellence in Economic Education Act of 2000'.

''(b) FINDINGS.—Congress makes the following findings:

''(1) The need for economic literacy in the United States has grown exponentially in the 1990's as a result of rapid technological advancements and increasing globalization, giving individuals in the United States more numerous and complex economic and financial choices than ever before as members of the workforce, managers of their families' resources, and voting citizens.

''(2) Individuals in the United States lack essential economic knowledge, as demonstrated in a 1998–1999 test conducted for the National Council on Economic Education, a private nonprofit organization. The test results indicated the following:

''(A) Students and adults alike lack a basic understanding of core economic concepts such as scarcity of resources and inflation, with less than half of those tested demonstrating knowledge of those basic concepts.

''(B) A little more than ⅓ of those tested realize that society must make choices about how to use resources.

''(C) Only ⅓ of those tested understand that active competition in the marketplace serves to lower prices and improve product quality.

''(D) Slightly more than ½ of adults in the United States and less than ¼ of students in

the United States know that a Federal budget deficit is created when the Federal Government's expenditures exceed its revenues in a year.

''(E) Overall, adults received a grade of 57 percent on the test and secondary school students received a grade of 48 percent on the test.

''(F) Despite these poor results, the test findings pointed out that individuals in the United States realize the need for understanding basic economic concepts, with 96 percent of adults tested believing that basic economics should be taught in secondary school.

''(3) A range of trends points to the need for individuals in the United States to receive a practical economics education that will give the individuals tools to make responsible choices about their limited financial resources, and about the range of economic choices which face all people regardless of their financial circumstances. Examples of the trends include the following:

''(A) The number of personal bankruptcies in the United States rose and set new records in the 1990's, despite the longest peacetime economic expansion in United States history. One in every 70 United States households filed for bankruptcy in 1998. Rising bankruptcies have an impact on the cost and availability of consumer credit which in turn negatively affect overall economic growth.

''(B) Credit card delinquencies in the United States rose to 1.83 percent in 1998, which is a percentage not seen since 1992 when the effects of a recession were still strong.

''(C) The personal savings rate in the United States over the 5 years ending in 1998 averaged only 4.5 percent. In the third quarter of 1999, the personal savings rate dropped to 1.8 percent. A decline in savings rates reduces potential investment and economic growth.

''(D) By 2030, the number of older persons in the United States will grow to 70,000,000, more than twice the number of older persons in the United States in 1997. The additional older persons will add significantly to the population of retirees in the United States and require a shift in private and public resources to attend to their specific needs. The needs of this population will have dramatic, long-term economic consequences for younger generations of individuals in the United States workforce who will need to plan well in order to support their families and ensure for themselves a secure retirement.

''(4) The third National Education Goal designates economics as 1 of 9 core content areas in which teaching, learning, and students' mastery of basic and advanced skills must improve.

''(5) The National Council on Economic Education presents a compelling case for doing more to meet the need for economic literacy. While an understanding of economics is necessary to help the next generation to think, choose, and function in a changing global economy, economics has too often been neglected in schools.

''(6) States' requirements for economic and personal finance education are insufficient as evidenced by the fact that, while 39 States have adopted educational standards (including guidelines or proficiencies) in economics—

''(A) only 13 of those States require all students to take a course in economics before graduating from secondary school;

''(B) only 25 States administer tests to determine whether students meet the economic standards; and

''(C) only 27 States require that the economic standards be implemented in schools.

''(7) Improved and enhanced national, State, and local economic education efforts, conducted as part of the Campaign for Economic Literacy led by the National Council on Economic Education, will help individuals become informed consumers, conscientious savers, prudent investors, productive workforce members, responsible citizens, and effective participants in the global economy.

''(8)(A) Founded in 1949, the National Council on Economic Education is the preeminent economic education organization in the United States, having a nationwide network that supports economic education in the Nation's schools by working with States, local educational agencies, and schools.

''(B) This network supports teacher preparedness in economics through—

''(i) inservice teacher education;

''(ii) classroom-tested materials and appropriate curricula;

''(iii) evaluation, assessment, and research on economics education; and

''(iv) suggested content standards for economics.

''(9) The National Council on Economic Education network includes affiliated State Councils on Economic Education and more than 275 university or college-based Centers for Economic Education. This network represents a unique partnership among leaders in education, business, economics, and labor, the purpose of which is to effectively deliver economic education throughout the United States.

''(10) Each year the National Council on Economic Education network trains 120,000 teachers, reaching more than 7,000,000 students. By strengthening the Council's nationwide network, the Council can reach more of the Nation's 53,000,000 students.

''(11) The National Council on Economic Education conducts an international economic education program that provides information on market principles to the world (particularly emerging democracies) through teacher training, materials translation and development, study tours, conferences, and research and evaluation. As a result of those activities, the National Council on Economic Education is helping to support educational reform and build economic education infrastructures in emerging market economies, and reinforcing the national interest of the United States.

''(12) Evaluation results of economics education activities support the following conclusions:

''(A) Inservice education in economics for teachers contributes significantly to students' gains in economic knowledge.

''(B) Secondary school students who have taken economics courses perform significantly better on tests of economic literacy than do their counterparts who have not taken economics.

''(C) Economics courses contribute significantly more to gains in economic knowledge than does integration of economics into other subjects.

''(13) Through partnerships, the National Council on Economic Education network leverages support for its mission by raising more than $35,000,000 annually for economic education from the private sector, universities, and States.

''SEC. 10502. EXCELLENCE IN ECONOMIC EDUCATION.

''(a) PURPOSE.—The purpose of this part is to promote economic literacy among all United States students in kindergarten through grade 12 by enhancing national leadership in economic education through the strengthening of a nationwide economic education network and the provision of resources to appropriate State and local entities.

''(b) GOALS.—The goals of this part are—

''(1) to increase students' knowledge of and achievement in economics to enable the students to become more productive and informed citizens;

''(2) to strengthen teachers' understanding of and competency in economics to enable the teachers to increase student mastery of economic principles and their practical application;

''(3) to encourage economic education research and development, to disseminate effective instructional materials, and to promote replication of best practices and exemplary programs that foster economic literacy;

''(4) to assist States in measuring the impact of education in economics, which is 1 of 9 national core content areas described in section 306(c) of the Goals 2000: Educate America Act (20 U.S.C. 5886(c)) (as such section was in effect on the day preceding the date of enactment of the Educational Excellence for All Children Act of 2000);

''(5) to extend strong economic education delivery systems to every State; and

''(6) to leverage and expand private and public support for economic education partnerships at national, State, and local levels.

''SEC. 10503. GRANT PROGRAM AUTHORIZED.

''(a) GRANTS TO THE NATIONAL COUNCIL ON ECONOMIC EDUCATION.—

''(1) IN GENERAL.—The Secretary is authorized to award a grant to the National Council on Economic Education (referred to in this section as the 'grantee'), which is a nonprofit educational organization that has as its primary purpose the improvement of the quality of student understanding of economics through effective teaching of economics in the Nation's classrooms.

''(2) USE OF GRANT FUNDS.—

''(A) ONE-QUARTER.—The grantee shall use ¼ of the funds made available through the grant and not reserved under subsection (f) for a fiscal year—

''(i) to strengthen and expand the grantee's nationwide network on economic education;

''(ii) to support and promote training, of teachers who teach a grade from kindergarten through grade 12, regarding economics, including the dissemination of information on effective practices and research findings regarding the teaching of economics;

''(iii) to support research on effective teaching practices and the development of assessment instruments to document student performance;

''(iv) to develop and disseminate appropriate materials to foster economic literacy; and

''(v) to coordinate activities assisted under this section with activities assisted under title II.

''(B) THREE-QUARTERS.—The grantee shall use ¾ of the funds made available through the grant and not reserved under subsection (f) for a fiscal year to award grants to State economic education councils, or in the case of a State that does not have a State economic education council, a center for economic education (which council or center shall be referred to in this section as a 'recipient'). The grantee shall award such a grant to pay for the Federal share of the cost of enabling the recipient to work in partnership with 1 or more of the entities described in paragraph (3) for 1 or more of the following purposes:

''(i) Collaboratively establishing and conducting teacher training programs that use effective and innovative approaches to the teaching of economics.

''(ii) Providing resources to school districts that want to incorporate economics into the curricula of the schools in the districts.

''(iii) Conducting evaluations of the impact of economic education on students.

''(iv) Conducting economic education research.

''(v) Creating and conducting school-based student activities to promote consumer, economic, and personal finance education, such as saving, investing, and entrepreneurial education, and to encourage awareness and student achievement in economics.

''(vi) Establishing interstate and international student and teacher exchanges to promote economic literacy.

''(vii) Encouraging replication of best practices to encourage economic literacy.

''(C) ADDITIONAL REQUIREMENTS AND TECHNICAL ASSISTANCE.—The grantee shall—

''(i) meet such other requirements as the Secretary determines to be necessary to assure compliance with this section; and

''(ii) provide such technical assistance as may be necessary to carry out this section.

''(3) PARTNERSHIP ENTITIES.—The entities referred to in paragraph (2)(B) are the following:

''(A) A private sector entity.

''(B) A State educational agency.

''(C) A local educational agency.

''(D) An institution of higher education.

''(E) Another organization promoting economic development.

''(F) Another organization promoting educational excellence.

''(4) ADMINISTRATIVE COSTS.—The grantee and each recipient receiving a grant under this section for a fiscal year may use not more than 25 percent of the funds made available through the grant for administrative costs.

''(b) TEACHER TRAINING PROGRAMS.—

''(1) IN GENERAL.—In carrying out the teacher training programs described in subsection (a)(2)(B) a recipient shall—

''(A) train teachers who teach a grade from kindergarten through grade 12;

''(B) conduct programs taught by qualified teacher trainers who can tap the expertise, knowledge, and experience of classroom teachers, private sector leaders, and other members of the community involved, for the training; and

''(C) encourage teachers from disciplines other than economics to participate in such teacher training programs, if the training will promote the economic understanding of their students.

''(2) RELEASE TIME.—Funds made available under this section for the teacher training programs described in subparagraphs (A) and (B) of subsection (a)(2) may be used to pay for release time for teachers and teacher trainers who participate in the training.

''(c) INVOLVEMENT OF BUSINESS COMMUNITY.—In carrying out the activities assisted under this part the grantee and recipients are encouraged to—

''(1) include interactions with the local business community to the fullest extent possible, to reinforce the connection between economic education and economic development; and

''(2) work with private businesses to obtain matching contributions for Federal funds and assist recipients in working toward self-sufficiency.

''(d) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost described in subsection (a)(2)(B) shall be 50 percent. The Federal share of the cost of establishing a State council on economic education or a center for economic education under subsection (f), for 1 fiscal year only, shall be 75 percent.

''(2) NON-FEDERAL SHARE.—The non-Federal share may be paid in cash or in kind, fairly evaluated, including plant, equipment, or services.

''(e) APPLICATIONS.—

''(1) GRANTEE.—To be eligible to receive a grant under this section, the grantee shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) RECIPIENTS.—

''(A) IN GENERAL.—To be eligible to receive a grant under this section, a recipient shall submit an application to the grantee at such time, in such manner, and accompanied by such information as the grantee may require.

''(B) REVIEW.—The grantee shall invite the individuals described in subparagraph (C) to review all applications from recipients for a grant under this section and to make recommendations to the grantee regarding the funding of the applications.

''(C) INDIVIDUALS.—The individuals referred to in subparagraph (B) are the following:

''(i) Leaders in the fields of economics and education.

''(ii) Such other individuals as the grantee determines to be necessary.

''(f) SPECIAL RULE.—For each State that does not have a recipient in the State, as determined by the grantee, not less than the greater of 1.5 percent or $100,000 of the total amount appropriated under subsection (i), for 1 fiscal year, shall be made available to the State to pay for the Federal share of the cost of establishing a State council on economic education or a center for economic education in partnership with a private sector entity, an institution of higher education, the State educational agency, and other organizations.

''(g) SUPPLEMENT AND NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local funds expended for the purpose described in section ___6(a).

''(h) REPORT.—The Secretary shall prepare and submit to the appropriate committees of Congress a report regarding activities assisted under this section not later than 2 years after the date funds are first appropriated under subsection (i) and every 2 years thereafter.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $10,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

PART F—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES

SEC. 1051. ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES.

Part F of title X (20 U.S.C. 8001 et seq.), is amended to read as follows:

''PART F—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES.

''SEC. 10601. SHORT TITLE.

''This subpart may be cited as the 'Elementary and Secondary School Library Media Resources, Training, and Advanced Technology Assistance Act'.

''SEC. 10602. PURPOSE.

''The purposes of this subpart are—

''(1) to improve academic achievement of students by providing students with increased access to up-to-date school library materials, a well-equipped, technologically advanced school library media center, and well-trained, professionally certified school library media specialists;

''(2) to support the acquisition of up-to-date school library media resources for the use of students, school library media specialists, and teachers in elementary schools and secondary schools;

''(3) to provide school library media specialists with the tools and training opportunities necessary for the specialists to facilitate the development and enhancement of the information literacy, information retrieval, and critical thinking skills of students; and

''(4)(A) to ensure the effective coordination of resources for library, technology, and professional development activities for elementary schools and secondary schools; and

''(B) to ensure collaboration between school library media specialists, and elementary school and secondary school teachers and administrators, in developing curriculum-based instructional activities for students so that school library media specialists are partners in the learning process of students.

''Chapter 1—Library Media Resources

''SEC. 10605. STATE ALLOTMENTS.

''The Secretary shall allot to each eligible State educational agency for a fiscal year an amount that bears the same relation to the amount appropriated under section 5170 and not reserved under section 5169 for the fiscal year as the amount the State educational agency received under part A of title I for the preceding fiscal year bears to the amount all State educational agencies received under part A of title I for the preceding fiscal year.

''SEC. 10606. STATE APPLICATIONS.

''To be eligible to receive an allotment under section 5161 for a State for a fiscal year, the State educational agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require. The application shall contain a description of—

''(1) the manner in which the State educational agency will use the needs assessment described in section 5165 and poverty data to allocate funds made available through the allotment to the local educational agencies in the State with the greatest need for school library media improvement;

''(2) the manner in which the State educational agency will effectively coordinate all Federal and State funds available for library, technology, and professional development activities to assist local educational agencies, elementary schools, and secondary schools in—

''(A) acquiring up-to-date school library media resources in all formats, including books and advanced technology such as Internet connections;

''(B) providing training for school library media specialists; and

''(C) facilitating resource-sharing among schools and school library media centers;

''(3) the manner in which the State educational agency will develop standards for the incorporation of new technologies into the curricula of elementary schools and secondary schools through school library media programs to develop and enhance the information literacy, information retrieval, and critical thinking skills of students; and

''(4) the manner in which the State educational agency will evaluate the quality and impact of activities carried out under this subpart by local educational agencies to make determinations regarding the need of the agencies for technical assistance and whether to continue funding the agencies under this subpart.

''SEC. 10607. STATE RESERVATION.

''A State educational agency that receives an allotment under section 5161 may reserve not more than 3 percent of the funds made available through the allotment to provide technical assistance, disseminate information about effective school library media programs, and pay administrative costs, relating to this subpart.

''SEC. 10608. LOCAL ALLOCATIONS.

''(a) IN GENERAL.—A State educational agency that receives an allotment under section 5161 for a fiscal year shall use the funds

made available through the allotment and not reserved under section 5163 to make allocations to local educational agencies.

''(b) AGENCIES.—The State educational agency shall allocate the funds to the local educational agencies in the State that have—

''(1) the greatest need for school library media improvement according to the needs assessment described in section 5165; and

''(2) the highest percentages of poverty, as measured in accordance with section 1113(a)(5).

''SEC. 10609. LOCAL APPLICATION.

''To be eligible to receive an allocation under section 5164 for a fiscal year, a local educational agency shall submit to the State educational agency an application at such time, in such manner, and containing such information as the State educational agency shall require. The application shall contain—

''(1) a needs assessment relating to need for school library media improvement, based on the age and condition of school library media resources (including book collections), access of school library media centers to advanced technology, including Internet connections, and the availability of well-trained, professionally certified school library media specialists, in schools served by the local educational agency;

''(2) a description of the manner in which the local educational agency will use the needs assessment to assist schools with the greatest need for school library media improvement;

''(3) a description of the manner in which the local educational agency will use the funds provided through the allocation to carry out the activities described in section 5166;

''(4) a description of the manner in which the local educational agency will develop and carry out the activities described in section 5166 with the extensive participation of school library media specialists, elementary school and secondary school teachers and administrators, and parents;

''(5) a description of the manner in which the local educational agency will effectively coordinate—

''(A) funds provided under this chapter with the Federal, State, and local funds received by the agency for library, technology, and professional development activities; and

''(B) activities carried out under this chapter with the Federal, State, and local library, technology, and professional development activities carried out by the local educational agency; and

''(6) a description of the manner in which the local educational agency will collect and analyze data on the quality and impact of activities carried out under this chapter by schools served by the local educational agency.

''SEC. 10610. LOCAL ACTIVITIES.

''A local educational agency that receives a local allocation under section 5164 may use the funds made available through the allocation—

''(1) to acquire up-to-date school library media resources, including books, for the use of students, school library media specialists, and teachers in elementary schools and secondary schools;

''(2) to acquire and utilize advanced technology, incorporated into the curricula of the schools, to develop and enhance the information literacy, information retrieval, and critical thinking skills of students;

''(3) to acquire and utilize advanced technology, including Internet links, to facilitate resource-sharing among schools and school library media centers, and public and academic libraries, where possible;

''(4) to provide professional development opportunities for school library media specialists; and

''(5) to foster increased collaboration between school library media specialists and elementary school and secondary school teachers and administrators.

''SEC. 10611. ACCOUNTABILITY AND CONTINUATION OF FUNDS.

''Each local educational agency that receives funding under this chapter for a fiscal year shall be eligible to continue to receive the funding—

''(1) for each of the 2 following fiscal years; and

''(2) for each fiscal year subsequent to the 2 following fiscal years, if the local educational agency demonstrates that the agency has increased—

''(A) the availability of, and the access of students, school library media specialists, and elementary school and secondary school teachers to, up-to-date school library media resources, including books and advanced technology, in elementary schools and secondary schools served by the local educational agency;

''(B) the number of well-trained, professionally certified school library media specialists in those schools; and

''(C) collaboration between school library media specialists and elementary school and secondary school teachers and administrators for those schools.

''SEC. 10612. SUPPLEMENT NOT SUPPLANT.

''Funds made available under this chapter shall be used to supplement and not supplant other Federal, State, and local funds expended to carry out activities relating to library, technology, or professional development activities.

''SEC. 10613. NATIONAL ACTIVITIES.

''The Secretary shall reserve not more than 3 percent of the amount appropriated under section 5170 for a fiscal year—

''(1) for an annual, independent, national evaluation of the activities assisted under this chapter, to be conducted not later than 3 years after the date of enactment of this chapter; and

''(2) to broadly disseminate information to help States, local educational agencies, school library media specialists, and elementary school and secondary school teachers and administrators learn about effective school library media programs.

''SEC. 10614. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this chapter $250,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.

''Chapter 2—School Library Access Program

''SEC. 10621. PROGRAM.

''(a) IN GENERAL.—The Secretary may make grants to local educational agencies to provide students with access to libraries in elementary schools and secondary schools during non-school hours, including the hours before and after school, on weekends, and during summer vacation periods.

''(b) APPLICATIONS.—To be eligible to receive a grant under subsection (a), a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) PRIORITY.—In making grants under subsection (a), the Secretary shall give priority to local educational agencies that demonstrate, in applications submitted under subsection (b), that the agencies—

''(1) seek to provide activities that will increase reading skills and student achievement;

''(2) have effectively coordinated services and funding with entities involved in other Federal, State, and local efforts, to provide programs and activities for students during the non-school hours described in subsection (a); and

''(3) have a high level of community support.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this chapter $25,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.''.

PART G—FOREIGN LANGUAGE ASSISTANCE PROGRAM

SEC. 1061. FOREIGN LANGUAGE ASSISTANCE PROGRAM.

Part G of title X (20 U.S.C. 8601 et seq.) is amended to read as follows:

''PART G—FOREIGN LANGUAGE ASSISTANCE PROGRAM

''SEC. 10701. FINDINGS; PURPOSE.

''(a) FINDINGS.—Congress finds that:

''(1) Increased fluency in languages other than English is necessary if the United States is to compete effectively in a global economy.

''(2) Four out of five new jobs in the United States are created from foreign trade.

''(3) The optimum time to begin learning a second language is in elementary school, when children have the greatest ability to learn and excel in foreign languages.

''(4) Foreign language study can increase children's capacity for critical and creative thinking, and children who study a second language show greater cognitive development in such areas as mental flexibility, creativity, tolerance, and higher-order thinking skills.

''(5) Children who have studied a foreign language in elementary school score higher on standardized tests of reading, language arts, and mathematics than children who have not studied a foreign language.

''(6) The United States lags behind other developed countries in offering foreign language study to elementary and secondary school students.

''(7) While research suggests that students more easily acquire foreign languages when instruction begins in the early grades, fewer than one-third of elementary schools in the United States offer foreign language instruction.

''(8) Of those elementary schools that do offer foreign language instruction, most offer only an introductory exposure to the foreign language.

''(9) Few elementary school foreign language programs are coordinated with secondary school foreign language programs to promote transitions that build on student knowledge of the foreign language.

''(10) Foreign language teachers have a continuing need for professional development that provides opportunities to improve their language competence and their teaching skills in the language they teach. This need is particularly important for elementary school teachers, most of whom have no specialized training or certification to teach languages at that level.

''(11) The next generation of advanced computers and telecommunications technology has a tremendous potential for improving access to foreign language instruction and the quality of that instruction at the elementary level.

''(12) It is a national goal that 25 percent of all public elementary schools offer high-quality, comprehensive foreign language programs by 2005, and that 50 percent offer such programs by 2010. Such programs should be designed to achieve language proficiency, aligned with State foreign language standards, and available to all students (including

students with limited English proficiency and students with disabilities), and should ensure effective coordination between elementary and secondary school foreign language instruction.

''(b) PURPOSE.—It is the purpose of this part to expand, improve the quality of, and enhance foreign language programs at the elementary school level, including programs that recruit and train qualified elementary school foreign language teachers, by supporting—

''(1) State efforts to encourage and support such programs;

''(2) local implementation of innovative programs that meet local needs; and

''(3) the identification and dissemination of information on best practices in elementary school foreign language education.

''SEC. 10702. ELEMENTARY SCHOOL FOREIGN LANGUAGE ASSISTANCE PROGRAM.

''(a) AUTHORITY.—(1) From funds appropriated under subsection (g) for any fiscal year, the Secretary is authorized to make grants to State educational agencies and to local educational agencies for the Federal share of the cost of the activities set forth in subsection (b).

''(2) Each grant under paragraph (1) shall be awarded for a period of three years.

''(3) A State educational agency may receive a grant under paragraph (1) if it—

''(A) has established, or is establishing, State standards for foreign language instruction; or

''(B) requires the public elementary schools of the State to provide foreign language instruction.

''(4) A local educational agency may receive a grant under paragraph (1) if the program proposed in its application under subsection (c)—

''(A) shows promise of being continued beyond the grant period;

''(B) would demonstrate approaches that can be disseminated to, and duplicated by, other local educational agencies;

''(C) would include performance measurements and assessment systems that measure students' proficiency in a foreign language; and

''(D) would use a curriculum that is aligned with State standards, if the State has such standards.

''(b) AUTHORIZED ACTIVITIES.—(1) Grants to State educational agencies under this section shall be used to support programs that promote the implementation of high-quality foreign language programs in the elementary schools of the State, which may include—

''(A) developing foreign language standards and assessments that are aligned with those standards;

''(B) supporting the efforts of institutions of higher education within the State to develop programs to prepare the elementary school foreign language teachers needed in schools within the State and to recruit candidates to prepare for, and assume, such teaching positions;

''(C) developing new certification requirements for elementary school foreign language teachers, including requirements that allow for alternative routes to certification;

''(D) providing technical assistance to local educational agencies in the State in developing, implementing, or improving elementary school foreign language programs, including assistance to ensure effective coordination with, and transition of students among, elementary, middle, and secondary schools;

''(E) disseminating information on promising or effective practices in elementary school foreign language instruction and supporting educator networks that help improve that instruction;

''(F) stimulating the development and dissemination of information on instructional programs that use educational technologies and technology applications (including such technologies and applications as multimedia software, web-based resources, digital television, and virtual reality and wireless technologies) to deliver instruction or professional development, or to assess students' foreign language proficiency; and

''(G) collecting data on and evaluating the elementary school foreign language programs in the State and activities carried out with the grant.

''(2) Grants to local educational agencies under this section shall be used for activities to develop and implement high-quality, standards-based elementary school foreign language programs, which may include—

''(A) curriculum development and implementation;

''(B) professional development for teachers and other staff;

''(C) partnerships with institutions of higher education to provide for the preparation of the teachers needed to implement programs under this section;

''(D) efforts to coordinate elementary school foreign language instruction with secondary-level foreign language instruction, and to provide students with a smooth transition from elementary to secondary programs;

''(E) implementation of instructional approaches that make use of advanced educational technologies; and

''(F) collection of data on, and evaluation of, the activities carried out under the grant, including assessment, at regular intervals, of participating students' proficiency in the foreign language studied.

''(3) SPECIAL RULE.—Efforts under paragraph (2)(D) may include support for the expansion of secondary school instruction, so long as that instruction is part of an articulated elementary-through-secondary school foreign language program that is designed to result in student fluency in a foreign language.

''(c) APPLICATIONS.—(1) Any State educational agency or local educational agency desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information and assurances, as the Secretary may require.

''(2) Each application shall include descriptions of—

''(A) the goals that the applicant intends to accomplish through the project, including—

''(i) for applications submitted by State educational agencies, the goal of ensuring the availability of qualified elementary school foreign language teachers throughout the State; and

''(ii) for applications submitted by local educational agencies, the goal of enabling all participating students to become proficient in a foreign language;

''(B) the activities to be carried out through the project; and

''(C) how the applicant will determine the extent to which its project meets its goals.

''(d) PRIORITIES.—In awarding grants under this section, the Secretary may establish one or more priorities consistent with the purpose of this part, including priorities for projects carried out by local educational agencies that—

''(1) provide immersion programs in which instruction is in the foreign language for a major portion of the day; or

''(2) promote the sequential study of a foreign language for students, beginning in elementary schools.

''(e) REPORTS.—(1) A State educational agency or local educational agency that receives a grant under this section shall submit to the Secretary an annual report that provides information on the project's progress in reaching its goals.

''(2) A local educational agency that receives a grant under this section shall include in its report under paragraph (1), information on students' gains in comprehending, speaking, reading, and writing a foreign language, and shall compare such educational outcomes to the State's foreign language standards, if such State standards exist.

''(f) FEDERAL SHARE.—(1) The Federal share for each fiscal year of a program under this section shall be not more than 50 percent.

''(2) The Secretary may waive the requirement of paragraph (1) for any local educational agency that the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this section.

''(g) AUTHORIZATION OF APPROPRIATIONS.—(1) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

''(2) For any fiscal year, the Secretary may reserve up to five percent of the amount appropriated under paragraph (1) to—

''(A) conduct independent evaluations of the activities assisted under this section;

''(B) provide technical assistance to recipients of awards under this section; and

''(C) disseminate findings and methodologies from evaluations required by, or funded under, this section and other information obtained from such programs.''.

PART H—21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. 1071. 21ST CENTURY COMMUNITY LEARNING CENTERS.

Part I of title X (20 U.S.C. 8061 et seq.) is amended to read as follows:

''PART H—21ST CENTURY COMMUNITY LEARNING CENTERS

''SEC. 10901. SHORT TITLE.

''This part may be cited as the ''21st Century Community Learning Centers Act''.

''SEC. 10902. PURPOSE.

It is the purpose of this part—

''(1) to provide local public schools, primarily in low income, rural, and inner-city communities, with the opportunity to establish and develop centers that—

''(A) provide supervised care during nonschool hours and extended learning opportunities to students, including students with disabilities, to assist such students in meeting challenging State and academic standards and developing personal, social, health and related competencies; and

''(B) deliver education and human services for all members of communities served by the public schools;

''(2) to enable public schools to collaborate with other public and nonprofit agencies and organizations, community-based organizations, local businesses, educational entities (such as vocational and adult education programs, school-to-work programs, community colleges, and universities), recreational, cultural, and other community and human service entities, to meet the needs of, and expand the opportunities available to, the residents of the communities served by such schools;

''(3) to use school facilities, equipment, and resources so that communities can promote a more efficient use of public education facilities, especially in low income, rural, and inner-city communities where limited financial resources have enhanced the necessity for local public schools to become social service centers;

''(4) to enable schools to become centers of lifelong learning; and

''(5) to enable schools to provide educational opportunities for individuals of all ages.

"SEC. 10903. ALLOTMENT TO STATES.

''(a) RESERVATION.—From the amounts appropriated under section 10911 for each fiscal year, the Secretary shall reserve—

''(1) not to exceed 1 percent of such amount in each fiscal year to make payments to the outlying areas and to the Bureau for Indian Affairs to be allotted in accordance with their respective needs for assistance under this subpart as determined by the Secretary;

''(2) not to exceed 2.5 percent of such amounts in each fiscal year to carry out national activities under section 10909; and

''(3) amounts in each fiscal year as may be necessary to make continuation awards for projects that were funded using amount appropriated in fiscal years 1999 and 2000, under the terms and conditions that applied to the original awards for such projects.

''(b) ALLOTMENTS.—From amounts appropriated under section 10911 for a fiscal year and remaining after amounts are reserved under subsection (a), the Secretary shall allot to each State an amount determined by the Secretary based on the relative amounts that each State received under subpart 2 of part A of title I for the fiscal year immediately preceding the fiscal year for which the allotment is being made, except that no State shall receive an amount that is less than ½ of 1 percent of such remaining amount.

"SEC. 10904. STATE APPLICATION.

''(a) APPLICATION REQUIREMENTS.—A State, through the State educational agency, that desires to receive an allotment under this part shall submit to the Secretary an application that—

''(1) describes the competitive procedures to be used by the State for ensuring that the programs carried out with amounts provided under this part will be high quality and serve schools and communities with a substantial need for expanded learning opportunities and a need for supervised care during non-school hours, including those with—

''(A) a high proportion of low achieving students;

''(B) a lack of resources; and

''(C) other needs in the larger community consistent with this part;

''(2) describes the manner in which the State will ensure the implementation of effective strategies for providing community learning centers with technical assistance, training, and other information and support;

''(3) provides for the annual submission of data regarding the use of funds under this part, including data on the activities provided and populations served, and such other information as the Secretary may require;

''(4) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audits and program evaluation (consistent with all State educational agency fiscal audit and program evaluation responsibilities required under this Act);

''(5) contains a description of the manner in which the State will coordinate existing Federal, State, and local programs focused on similar results in order to make the most effective use of the resources available, including resources from health and safety programs;

''(6) describes the manner in which the State will evaluate the effectiveness of the program (carried out with funds received under this part);

''(7) contains an assurance that the State educational agency will comply with the requirements of this part; and

''(8) provides for timely public notice and public dissemination of the data submitted pursuant to paragraph (3).

''(b) PERIOD OF APPLICATION.—An application filed by the State under subsection (a) shall be effective for a period of 5 years.

''(c) APPROVAL.—The Secretary shall approve a State application submitted under subsection (a) if the Secretary determines that the application satisfies the requirements of this part and demonstrates promise for accomplishing the purposes of this part.

"SEC. 10905. LIMITATIONS ON USE OF FUNDS.

''(a) IN GENERAL.—A State educational agency may use not to exceed 5 percent of the amount of the State allotment under section 10903(b) for—

''(1) the establishment and implementation of a peer review process for grant applications;

''(2) the supervision of the awarding of funds to local education agencies;

''(3) the planning, supervision, and processing of funds made available under this part; and

''(4) monitoring activities.

''(b) EVALUATIONS AND TECHNICAL ASSISTANCE.—A State educational agency shall use 3 percent of the amount of the State allotment under section 10903(b) for—

''(1) the evaluation of programs and activities assisted under this part; and

''(2) providing technical assistance and training under this part, including both State and locally based technical assistance.

''(c) SUPPLEMENT NOT SUPPLANT.—Funds made available under this part shall be used to supplement, and not supplant, non-Federal funds expended to carry out services or activities authorized by this part.

"SEC. 10906. DISTRIBUTION TO SCHOOLS.

''(a) DISTRIBUTION RULES.—

''(1) IN GENERAL.—A State educational agency shall use not less than 92 percent of the amount of the State allotment under section 10903(b) to award grants, on a competitive basis, to local educational agencies, consortia of local educational agencies, or consortia of local educational agencies with community-based organizations, acting on behalf of public elementary or secondary schools to enable such agencies to plan, implement, or expand community learning centers that address the educational, health, social service, cultural, and recreational needs of the local community and provide care during non-school hours and expanded learning opportunities for students.

''(2) URBAN AND RURAL AREAS.—In awarding grants under this subsection, a State educational agency shall ensure that both urban and rural areas of the State are served.

''(3) MINIMUM AMOUNT.—A State educational agency shall not award a grant under this subsection in any fiscal year in an amount that is less than $75,000

''(4) DURATION.—A State educational agency shall award grants under this subsection for a period not to exceed 5 years.

''(b) PRIORITY.—In awarding grants under subsection (a) the State educational agency shall give priority to applicants that intend to use grant funds to—

''(1) serve schools and school districts with a high percentage or large number of children in need of services as indicated by high levels of poverty, juvenile delinquency, poor student achievement, or other need-related indicators; and

''(2) carry out projects that offer a broad selection of services that address the needs of the community to be served.

"SEC. 10907. LOCAL APPLICATION REQUIRED.

''To be eligible to receive a grant under this part, a local educational agency, consortium of local educational agencies, or consortium of local educational agencies with community-based organizations shall submit an application to the State educational agency. Each such application shall include—

''(1) a comprehensive local plan that enables a public elementary or secondary school to serve as a center for the delivery of education and human services for members of a community;

''(2) an evaluation of the needs, available resources, and goals and objectives for the proposed project in order to determine which activities will be undertaken to address such needs;

''(3) a description of the proposed project, including—

''(A) a description of the mechanism that will be used to disseminate information in a manner that is understandable and accessible to the community;

''(B) a description of the manner in which the applicant will coordinate existing Federal, State, and local programs operating in the community and at schools in order to use most effectively the resources available to support the project;

''(C) a description of staff qualifications and ratios of staff to program participants;

''(D) an assurance that collaborative efforts will be undertaken with community-based organizations, related public agencies, businesses, or other appropriate organizations;

''(E) a description of how the program will provide services in a manner that will meet the needs of working families;

''(F) a description of the manner in which the program will assist students in meeting challenging State academic standards;

''(G) a description of the manner in which the program will assist students in developing personal, social, health, and related competencies;

''(H) an assurance that the local educational agency will serve schools with the highest percentage of low-income students;

''(I) a description of how the community learning center will serve as a delivery center for existing and new services, especially for interactive telecommunication used for education and professional training; and

''(J) an assurance that the public elementary or secondary school will establish a facility utilization policy that specifically states—

''(i) the rules and regulations applicable to building and equipment use; and

''(ii) supervision guidelines;

''(4) information that demonstrates that, unless waived by the State for applicants from low-income areas, the applicant will provide at least 20 percent of the cost of the project to be carried out with the grant from other sources, which may include other Federal funds and may be provided in cash or in-kind, beginning in the second year and in each of the following years of the grant award period;

''(5) an assurance that the applicant will, in each fiscal year, expend from non-Federal sources at least as much for the services provided with assistance made available under this part as it expended in the preceding fiscal year; and

''(6) information on the manner in which the applicant will continue the project after the completion of the grant period.

"SEC. 10908. LOCAL USES OF FUNDS.

''(a) IN GENERAL.—Grants awarded under section 10906(a) may be used to implement or expand community learning centers which shall include supervised care during non-school hours and extended learning opportunities and which shall include not less than 3 of the following activities:

''(1) Literacy education programs.

''(2) Senior citizen programs.

''(3) Integrated education, health, social service, recreational, or cultural programs.

''(4) Summer and weekend school programs in conjunction with recreation programs.

''(5) Nutrition and health programs.

''(6) Expanded library service hours to serve community needs.

''(7) Telecommunications and technology education programs for individuals of all ages.

''(8) Parenting skills education programs.

''(9) Training for providers of supervised care during non-school hours.

''(10) Employment counseling, training, and placement.

''(11) Services for individuals who leave school before graduating from secondary school, regardless of the age of such individual.

''(12) Services for individuals with disabilities.

''(13) Community improvement programs that engage students, school staff, and community members in assessing community strengths and unmet community needs and designing strategies to address those needs, which may involve—

''(A) coordination between the school and community-based organizations and agencies; and

''(B) coordination with the school's core curriculum, in terms of service learning or vocational education.

''(b) INTEGRATION AND COORDINATION.—With respect to the recipient of a grant under section 10906(a), by the date that is not later than 2 years after the date on which the recipient received such grant, the recipient shall demonstrate how the 4 or more activities required to be carried out under subsection (a) are being integrated and coordinated with each other and with other services in the school and community, including with local educational agencies, local governmental agencies, community-based organizations, vocational education programs, institutions of higher education, community colleges and cultural, recreational and other community and human service entities.

''SEC. 10909. NATIONAL ACTIVITIES.

''The Secretary shall use funds reserved under section 10903(a)(2) to provide technical assistance, conduct evaluations, disseminate information, carry out activities to encourage the spread and adoption of successful extended learning opportunities programs, provide for training and technical assistance best practices, and to carry out other national activities that support programs under this part.

''SEC. 10910. DEFINITION.

''In this part:

''(1) COMMUNITY LEARNING CENTER.—The term 'community learning center' means an entity within a public elementary or secondary school building that—

''(A) provides high quality expanded learning opportunities in a safe and drug-free environment, and also provides services that address health, social service, cultural, and recreational needs of the community; and

''(B) coordinates services with public and nonprofit agencies and organizations, community-based organizations, local businesses, educational entities (such as vocational and adult education programs, school-to-work programs, community colleges, and universities), recreational, cultural, and other community and human service entities.

''(2) SCHOOL-AGE POPULATION.—The term 'school-age population' means the population of individuals who are at least 5 years of age but who are less than 19 years of age.

''(3) STATE.—The term 'State' means each of the several State, the District of Columbia, and the Commonwealth of Puerto Rico.

''SEC. 10911. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $1,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.''.

PART I—INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK STUDENTS

SEC. 1081. INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK STUDENTS.

Part J of title X (20 U.S.C. 8271 et seq.) is amended to read as follows:

''PART J—INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK STUDENTS

''Subpart 1—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or at Risk of Dropping Out

''SEC. 10951. PURPOSE; PROGRAM AUTHORIZED.

''(a) PURPOSE.—It is the purpose of this subpart—

''(1) to improve educational services for children in local and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children in the State are expected to meet;

''(2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and

''(3) to prevent at-risk youth from dropping out of school and to provide dropouts and youth returning from institutions with a support system to ensure their continued education.

''(b) PROGRAM AUTHORIZED.—In order to carry out the purpose of this subpart the Secretary shall make grants to State educational agencies to enable such agencies to award subgrants to State agencies and local educational agencies to establish or improve programs of education for neglected or delinquent children and youth at risk of dropping out of school before graduation.

''SEC. 10952. PAYMENTS FOR PROGRAMS UNDER THIS SUBPART.

''(a) AGENCY SUBGRANTS.—Based on the allocation amount computed under section 10956, the Secretary shall allocate to each State educational agency amounts necessary to make subgrants to State agencies under chapter 1.

''(b) LOCAL SUBGRANTS.—Each State shall retain, for purposes of carrying out chapter 2, funds generated throughout the State under part A of title I based on youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

''Chapter 1—State Agency Programs

''SEC. 10955. ELIGIBILITY.

''A State agency is eligible for assistance under this chapter if such State agency is responsible for providing free public education for children—

''(1) in institutions for neglected or delinquent children and youth;

''(2) attending community day programs for neglected or delinquent children and youth; or

''(3) in adult correctional institutions.

''SEC. 10956. ALLOCATION OF FUNDS.

''(a) SUBGRANTS TO STATE AGENCIES.—

''(1) IN GENERAL.—Each State agency described in section 10955 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this subpart, for each fiscal year, an amount equal to the product of—

''(A) the number of neglected or delinquent children and youth described in section 10955 who—

''(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

''(ii) are enrolled for at least 20 hours per week—

''(I) in education programs in institutions for neglected or delinquent children and youth; or

''(II) in community day programs for neglected or delinquent children and youth; and

''(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

''(2) SPECIAL RULE.—The number of neglected or delinquent children and youth determined under paragraph (1) shall—

''(A) be determined by the State agency by a deadline set by the Secretary, except that no State agency shall be required to determine the number of such children and youth on a specific date set by the Secretary; and

''(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

''(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—For each fiscal year, the amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico is eligible under this subpart shall be equal to—

''(1) the number of children and youth counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico; multiplied by

''(2) the product of—

''(A) the percentage that 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

''(B) 32 percent of the average per-pupil expenditure in the United States.

''(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all State agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

''SEC. 10957. STATE REALLOCATION OF FUNDS.

''If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this subpart for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other eligible State agencies that need additional funds to carry out the purpose of this subpart, in such amounts as the State educational agency shall determine.

''SEC. 10958. STATE PLAN AND STATE AGENCY APPLICATIONS.

''(a) STATE PLAN.—

''(1) IN GENERAL.—Each State educational agency that desires to receive a grant under this subpart shall submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent children and youth and, where applicable, children and youth at risk of dropping out of school, that is integrated with other programs under this Act, or other Acts, as appropriate, consistent with section 6506.

''(2) CONTENTS.—Each such State plan shall—

''(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

''(B) provide that, to the extent feasible, such children will have the same opportunities to learn as such children would have if such children were in the schools of local educational agencies in the State; and

''(C) contain assurances that the State educational agency will—

''(i) ensure that programs assisted under this subpart will be carried out in accordance with the State plan described in this subsection;

''(ii) carry out the evaluation requirements of section 10975;

''(iii) ensure that the State agencies receiving subgrants under this chapter comply with all applicable statutory and regulatory requirements; and

''(iv) provide such other information as the Secretary may reasonably require.

''(3) DURATION OF THE PLAN.—Each State plan shall—

''(A) remain in effect for the duration of the State's participation under this subpart; and

''(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this subpart.

''(b) SECRETARIAL APPROVAL; PEER REVIEW.—

''(1) IN GENERAL.—The Secretary shall approve each State plan that meets the requirements of this subpart.

''(2) PEER REVIEW.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

''(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this chapter shall submit an application to the State educational agency that—

''(1) describes the procedures to be used, consistent with the State plan under section 1111, to assess the educational needs of the children to be served;

''(2) provides assurances that in making services available to youth in adult correctional institutions, priority will be given to such youth who are likely to complete incarceration within a 2-year period;

''(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

''(4) describes how the program will meet the goals and objectives of the State plan;

''(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 10960 are of high quality;

''(6) describes how the agency will carry out the evaluation requirements of section 10201 and how the results of the most recent evaluation are used to plan and improve the program;

''(7) includes data showing that the agency has maintained the fiscal effort required of a local educational agency, in accordance with section 10101;

''(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under title I of the Workforce Investment Act of 1998, vocational education programs, State and local dropout prevention programs, and special education programs;

''(9) describes how appropriate professional development will be provided to teachers and other staff;

''(10) designates an individual in each affected institution to be responsible for issues relating to the transition of children and youth from the institution to locally operated programs;

''(11) describes how the agency will, endeavor to coordinate with businesses for training and mentoring for participating children and youth;

''(12) provides assurances that the agency will assist in locating alternative programs through which students can continue their education if students are not returning to school after leaving the correctional facility;

''(13) provides assurances that the agency will work with parents to secure parents' assistance in improving the educational achievement of their children and preventing their children's further involvement in delinquent activities;

''(14) provides assurances that the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth's local school if the youth—

''(A) is identified as in need of special education services while the youth is in the facility; and

''(B) intends to return to the local school;

''(15) provides assurances that the agency will work with youth who dropped out of school before entering the facility to encourage the youth to reenter school once the term of the youth has been completed or provide the youth with the skills necessary to gain employment, continue the education of the youth, or achieve a secondary school diploma or its recognized equivalent if the youth does not intend to return to school;

''(16) provides assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such students;

''(17) describes any additional services provided to children and youth, such as career counseling, and assistance in securing student loans and grants; and

''(18) provides assurances that the program under this chapter will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 or other comparable programs, if applicable.

''SEC. 10959. USE OF FUNDS.

''(a) USES.—

''(1) IN GENERAL.—A State agency shall use funds received under this chapter only for programs and projects that—

''(A) are consistent with the State plan under section 10959(a); and

''(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, further education, or employment.

''(2) PROGRAMS AND PROJECTS.—Such programs and projects—

''(A) may include the acquisition of equipment;

''(B) shall be designed to support educational services that—

''(i) except for institution-wide projects under section 10960, are provided to children and youth identified by the State agency as failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards;

''(ii) supplement and improve the quality of the educational services provided to such children and youth by the State agency; and

''(iii) afford such children and youth an opportunity to learn to such challenging State standards;

''(C) shall be carried out in a manner consistent with section 1120A and part F of title I; and

''(D) may include the costs of meeting the evaluation requirements of section 10201.

''(b) SUPPLEMENT, NOT SUPPLANT.—A program under this chapter that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the supplement, not supplant requirement of section 1120A without regard to the subject areas in which instruction is given during those hours.

''SEC. 10960. INSTITUTION-WIDE PROJECTS.

''A State agency that provides free public education for children and youth in an institution for neglected or delinquent children and youth (other than an adult correctional institution) or attending a community-day program for such children may use funds received under this subpart to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

''(1) provides for a comprehensive assessment of the educational needs of all youth in the institution or program serving juveniles;

''(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a two-year period;

''(3) describes the steps the State agency has taken, or will take, to provide all youth under age 21 with the opportunity to meet challenging State content standards and challenging State student performance standards in order to improve the likelihood that the youths will complete secondary school, attain a secondary diploma or its recognized equivalent, or find employment after leaving the institution;

''(4) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for students;

''(5) specifically describes how such funds will be used;

''(6) describes the measures and procedures that will be used to assess student progress;

''(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and personnel from the State educational agency; and

''(8) includes an assurance that the State agency has provided for appropriate training for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

''SEC. 10961. THREE-YEAR PROGRAMS OR PROJECTS.

''If a State agency operates a program or project under this chapter in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this subpart for a period of not more than three years.

''SEC. 10962. TRANSITION SERVICES.

''(a) TRANSITION SERVICES.—Each State agency shall reserve not more than 10 percent of the amount such agency receives under this chapter for any fiscal year to support projects that facilitate the transition of children and youth from State-operated institutions to local educational agencies.

''(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

''(c) LIMITATION.—Any funds reserved under subsection (a) shall be used only to provide transitional educational services, which may include pupil services and mentoring, to neglected and delinquent children and youth in schools other than State-operated institutions.

''(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"Chapter 2—Local Agency Programs

"SEC. 10965. PURPOSE.

''The purpose of this chapter is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities to—

''(1) carry out high quality education programs to prepare youth for secondary school completion, training, and employment, or further education;

''(2) provide activities to facilitate the transition of such youth from the correctional program to further education or employment; and

''(3) operate dropout prevention programs in local schools for youth at risk of dropping out of school and youth returning from correctional facilities.

"SEC. 10966. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

''(a) LOCAL SUBGRANTS.—With funds made available under section 10952(b), the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of youth residing in locally operated (including county operated) correctional facilities for youth (including facilities involved in community day programs).

''(b) SPECIAL RULE.—A local educational agency which includes a correctional facility that operates a school is not required to operate a dropout prevention program if more than 30 percent of the youth attending such facility will reside outside the boundaries of the local educational agency upon leaving such facility.

''(c) NOTIFICATION.—A State educational agency shall notify local educational agencies within the State of the eligibility of such agencies to receive a subgrant under this chapter.

"SEC. 10967. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

''Eligible local educational agencies desiring assistance under this chapter shall submit an application to the State educational agency, containing such information as the State educational agency may require. Each such application shall include—

''(1) a description of the program to be assisted;

''(2) a description of formal agreements between—

''(A) the local educational agency; and

''(B) correctional facilities and alternative school programs serving youth involved with the juvenile justice system to operate programs for delinquent youth;

''(3) as appropriate, a description of how participating schools will coordinate with facilities working with delinquent youth to ensure that such youth are participating in an education program comparable to one operating in the local school such youth would attend;

''(4) as appropriate, a description of the dropout prevention program operated by participating schools and the types of services such schools will provide to at-risk youth in participating schools and youth returning from correctional facilities;

''(5) as appropriate, a description of the youth expected to be served by the dropout prevention program and how the school will coordinate existing educational programs to meet unique education needs;

''(6) as appropriate, a description of how schools will coordinate with existing social and health services to meet the needs of students at risk of dropping out of school and other participating students, including prenatal health care and nutrition services related to the health of the parent and child, parenting and child development classes, child care, targeted re-entry and outreach programs, referrals to community resources, and scheduling flexibility;

''(7) as appropriate, a description of any partnerships with local businesses to develop training and mentoring services for participating students;

''(8) as appropriate, a description of how the program will involve parents in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

''(9) a description of how the program under this chapter will be coordinated with other Federal, State, and local programs, such as programs under title I of the Workforce Investment Act of 1998 and vocational education programs serving at-risk youth;

''(10) a description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;

''(11) as appropriate, a description of how schools will work with probation officers to assist in meeting the needs of youth returning from correctional facilities;

''(12) a description of efforts participating schools will make to ensure correctional facilities working with youth are aware of a child's existing individualized education program; and

''(13) as appropriate, a description of the steps participating schools will take to find alternative placements for youth interested in continuing their education but unable to participate in a regular public school program.

"SEC. 10968. USES OF FUNDS.

''Funds provided to local educational agencies under this chapter may be used, where appropriate, for—

''(1) dropout prevention programs which serve youth at educational risk, including pregnant and parenting teens, youth who have come in contact with the juvenile justice system, youth at least one year behind their expected grade level, migrant youth, immigrant youth, students with limited-English proficiency and gang members;

''(2) the coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care and drug and alcohol counseling, will improve the likelihood such individuals will complete their education; and

''(3) programs to meet the unique education needs of youth at risk of dropping out of school, which may include vocational education, special education, career counseling, and assistance in securing student loans or grants.

"SEC. 10969. PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.

''Each correctional facility having an agreement with a local educational agency under section 10967(2) to provide services to youth under this chapter shall—

''(1) where feasible, ensure educational programs in juvenile facilities are coordinated with the student's home school, particularly with respect to special education students with an individualized education program;

''(2) notify the local school of a youth if the youth is identified as in need of special education services while in the facility;

''(3) where feasible, provide transition assistance to help the youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

''(4) provide support programs which encourage youth who have dropped out of school to reenter school once their term has been completed or provide such youth with the skills necessary for such youth to gain employment or seek a secondary school diploma or its recognized equivalent;

''(5) work to ensure such facilities are staffed with teachers and other qualified staff who are trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such children and students;

''(6) ensure educational programs in correctional facilities are related to assisting students to meet high educational standards;

''(7) use, to the extent possible, technology to assist in coordinating educational programs between the juvenile facility and the community school;

''(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

''(9) coordinate funds received under this program with other local, State, and Federal funds available to provide services to participating youth, such as funds made available under title I of the Workforce Investment Act of 1998, and vocational education funds;

''(10) coordinate programs operated under this chapter with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable; and

''(11) if appropriate, work with local businesses to develop training and mentoring programs for participating youth.

"SEC. 10970. ACCOUNTABILITY.

''The State educational agency may—

''(1) reduce or terminate funding for projects under this chapter if a local educational agency does not show progress in reducing dropout rates for male students and for female students over a 3-year period; and

''(2) require juvenile facilities to demonstrate, after receiving assistance under this chapter for 3 years, that there has been an increase in the number of youth returning to school, obtaining a secondary school diploma or its recognized equivalent, or obtaining employment after such youth are released.

"Chapter 3—General Provisions

"SEC. 10975. PROGRAM EVALUATIONS.

''(a) SCOPE OF EVALUATION.—Each State agency or local educational agency that conducts a program under chapter 1 or 2 shall evaluate the program, disaggregating data on participation by sex, and if feasible, by race, ethnicity, and age, not less than once every three years to determine the program's impact on the ability of participants to—

''(1) maintain and improve educational achievement;

''(2) accrue school credits that meet State requirements for grade promotion and secondary school graduation;

''(3) make the transition to a regular program or other education program operated by a local educational agency; and

''(4) complete secondary school (or secondary school equivalency requirements) and obtain employment after leaving the institution.

''(b) EVALUATION MEASURES.—In conducting each evaluation under subsection (a), a State agency or local educational agency shall use multiple and appropriate measures of student progress.

''(c) EVALUATION RESULTS.—Each State agency and local educational agency shall—

''(1) submit evaluation results to the State educational agency; and

''(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

"SEC. 10976. DEFINITIONS.

''In this subpart:

''(1) ADULT CORRECTIONAL INSTITUTION.—The term 'adult correctional institution' means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age.

''(2) AT-RISK YOUTH.—The term 'at-risk youth' means school aged youth who are at risk of academic failure, have drug or alcohol problems, are pregnant or are parents, have come into contact with the juvenile justice system in the past, are at least one year behind the expected grade level for the age of the youth, have limited-English proficiency, are gang members, have dropped out of school in the past, or have high absenteeism rates at school.

''(3) COMMUNITY DAY PROGRAM.—The term 'community day program' means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children and youth.

''(4) INSTITUTION FOR NEGLECTED OR DELINQUENT CHILDREN AND YOUTH.—The term 'institution for neglected or delinquent children and youth' means—

''(A) a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians; or

''(B) a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

''SEC. 10977. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $42,000,000 for fiscal year 2001, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.''.

PART J—NATIONAL WRITING PROJECT

SEC. 1091. NATIONAL WRITING PROJECT.

Part K of title X (20 U.S.C. 8331 et seq.) is amended—

(1) in section 10991—

(A) in paragraph (15)—

(i) by striking ''154 regional sites'' and inserting ''157 regional sites''; and

(ii) by striking ''45 States'' and inserting ''46 States'';

(B) in paragraph (17) by adding ''and'' at the end;

(C) in paragraph (18) by striking at the end the semicolon and ''and'' and inserting a period; and

(D) by striking paragraph (19); and

(2) in section 10992—

(A) by striking subsection (e);

(B) by amending subsection (g) to read as follows:

''(g) EVALUATION.—The Secretary may conduct an independent evaluation, by grant or contract, of the program administered pursuant to this part.''; and

(C) by amending subsection (i) to read as follows:

''(i) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the four succeeding fiscal years.''.

PART L—ADVANCED PLACEMENT PROGRAMS

SEC. 1095. ADVANCED PLACEMENT PROGRAMS.

Title X (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

''PART L—ADVANCED PLACEMENT PROGRAMS

''SEC. 10981. SHORT TITLE.

''This part may be cited as the 'Access to High Standards Act'.

''SEC. 10982. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds that—

''(1) far too many students are not being provided sufficient academic preparation in secondary school, which results in limited employment opportunities, college dropout rates of over 25 percent for the first year of college, and remediation for almost one-third of incoming college freshmen;

''(2) there is a growing consensus that raising academic standards, establishing high academic expectations, and showing concrete results are at the core of improving public education;

''(3) modeling academic standards on the well-known program of advanced placement courses is an approach that many education leaders and almost half of all States have endorsed;

''(4) advanced placement programs already are providing 30 different college-level courses, serving almost 60 percent of all secondary schools, reaching over 1,000,000 students (of whom 80 percent attend public schools, 55 percent are females, and 30 percent are minorities), and providing test scores that are accepted for college credit at over 3,000 colleges and universities, every university in Germany, France, and Austria, and most institutions in Canada and the United Kingdom;

''(5) 24 States are now funding programs to increase participation in advanced placement programs, including 19 States that provide funds for advanced placement teacher professional development, 3 States that require that all public secondary schools offer advanced placement courses, 10 States that pay the fees for advanced placement tests for some or all students, and 4 States that require that their public universities grant uniform academic credit for scores of 3 or better on advanced placement tests; and

''(6) the State programs described in paragraph (5) have shown the responsiveness of schools and students to such programs, raised the academic standards for both students participating in such programs and other children taught by teachers who are involved in advanced placement courses, and shown tremendous success in increasing enrollment, achievement, and minority participation in advanced placement programs.

''(b) PURPOSES.—The purposes of this part are—

''(1) to encourage more of the 600,000 students who take advanced placement courses but do not take advanced placement exams each year to demonstrate their achievements through taking the exams;

''(2) to build on the many benefits of advanced placement programs for students, which benefits may include the acquisition of skills that are important to many employers, Scholastic Aptitude Tests (SAT) scores that are 100 points above the national averages, and the achievement of better grades in secondary school and in college than the grades of students who have not participated in the programs;

''(3) to support State and local efforts to raise academic standards through advanced placement programs, and thus further increase the number of students who participate and succeed in advanced placement programs;

''(4) to increase the availability and broaden the range of schools that have advanced placement programs, which programs are still often distributed unevenly among regions, States, and even secondary schools within the same school district, while also increasing and diversifying student participation in the programs;

''(5) to build on the State programs described in subsection (a)(5) and demonstrate that larger and more diverse groups of students can participate and succeed in advanced placement programs;

''(6) to provide greater access to advanced placement courses for low-income and other disadvantaged students;

''(7) to provide access to advanced placement courses for secondary school juniors at schools that do not offer advanced placement programs, increase the rate of secondary school juniors and seniors who participate in advanced placement courses to 25 percent of the secondary school student population, and increase the numbers of students who receive advanced placement test scores for which college academic credit is awarded; and

''(8) to increase the participation of low-income individuals in taking advanced placement tests through the payment or partial payment of the costs of the advanced placement test fees.

''SEC. 10983. FUNDING DISTRIBUTION RULE.

''From amounts appropriated under section 10988 for a fiscal year, the Secretary shall give first priority to funding activities under section 10986, and shall distribute any remaining funds not so applied according to the following ratio:

''(1) Seventy percent of the remaining funds shall be available to carry out section 10984.

''(2) Thirty percent of the remaining funds shall be available to carry out section 10985.

''SEC. 10984. ADVANCED PLACEMENT PROGRAM GRANTS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From amounts appropriated under section 10988 and made available under section 10983(1) for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsection (c).

''(2) DURATION AND PAYMENTS.—

''(A) DURATION.—The Secretary shall award a grant under this section for a period of 3 years.

''(B) PAYMENTS.—The Secretary shall make grant payments under this section on an annual basis.

''(3) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a State educational agency, or a local educational agency, in the State.

''(b) PRIORITY.—In awarding grants under this section the Secretary shall give priority to eligible entities submitting applications under subsection (d) that demonstrate—

''(1) a pervasive need for access to advanced placement incentive programs;

''(2) the involvement of business and community organizations in the activities to be assisted;

''(3) the availability of matching funds from State or local sources to pay for the cost of activities to be assisted;

''(4) a focus on developing or expanding advanced placement programs and participation in the core academic areas of English, mathematics, and science; and

''(5)(A) in the case of an eligible entity that is a State educational agency, the State educational agency carries out programs in the State that target—

''(i) local educational agencies serving schools with a high concentration of low-income students; or

''(ii) schools with a high concentration of low-income students; or

''(B) in the case of an eligible entity that is a local educational agency, the local educational agency serves schools with a high concentration of low-income students.

''(c) AUTHORIZED ACTIVITIES.—An eligible entity may use grant funds under this section to expand access for low-income individuals to advanced placement incentive programs that involve—

''(1) teacher training;

''(2) preadvanced placement course development;

''(3) curriculum coordination and articulation between grade levels that prepare students for advanced placement courses;

''(4) curriculum development;

''(5) books and supplies; and

''(6) any other activity directly related to expanding access to and participation in advanced placement incentive programs particularly for low-income individuals.

''(d) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(e) DATA COLLECTION AND REPORTING.—

''(1) DATA COLLECTION.—Each eligible entity receiving a grant under this section shall annually report to the Secretary—

''(A) the number of students taking advanced placement courses who are served by the eligible entity;

''(B) the number of advanced placement tests taken by students served by the eligible entity;

''(C) the scores on the advanced placement tests; and

''(D) demographic information regarding individuals taking the advanced placement courses and tests disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

''(2) REPORT.—The Secretary shall annually compile the information received from each eligible entity under paragraph (1) and report to Congress regarding the information.

''SEC. 10985. ON-LINE ADVANCED PLACEMENT COURSES.

''(a) GRANTS AUTHORIZED.—From amounts appropriated under section 10988 and made available under section 10983(2) for a fiscal year, the Secretary shall award grants to State educational agencies to enable such agencies to award grants to local educational agencies to provide students with on-line advanced placement courses.

''(b) STATE EDUCATIONAL AGENCY APPLICATIONS.—

''(1) APPLICATION REQUIRED.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) AWARD BASIS.—The Secretary shall award grants under this section on a competitive basis.

''(c) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant award under subsection (b) shall award grants to local educational agencies within the State to carry out activities described in subsection (e). In awarding grants under this subsection, the State educational agency shall give priority to local educational agencies that—

''(1) serve high concentrations of low-income students;

''(2) serve rural areas; and

''(3) the State educational agency determines would not have access to on-line advanced placement courses without assistance provided under this section.

''(d) CONTRACTS.—A local educational agency that receives a grant under this section may enter into a contract with a nonprofit or for-profit organization to provide the on-line advanced placement courses, including contracting for necessary support services.

''(e) USES.—Grant funds provided under this section may be used to purchase the on-line curriculum, to train teachers with respect to the use of on-line curriculum, or to purchase course materials.

''SEC. 10986. ADVANCED PLACEMENT INCENTIVE PROGRAM.

''(a) GRANTS AUTHORIZED.—From amounts appropriated under section 10988 and made available under section 10983 for a fiscal year, the Secretary shall award grants to State educational agencies having applications approved under subsection (c) to enable the State educational agencies to reimburse low-income individuals to cover part or all of the costs of advanced placement test fees, if the low-income individuals—

''(1) are enrolled in an advanced placement class; and

''(2) plan to take an advanced placement test.

''(b) AWARD BASIS.—In determining the amount of the grant awarded to each State educational agency under this section for a fiscal year, the Secretary shall consider the number of children eligible to be counted under section 1124(c) in the State in relation to the number of such children so counted in all the States.

''(c) INFORMATION DISSEMINATION.—A State educational agency shall disseminate information regarding the availability of advanced placement test fee payments under this section to eligible individuals through secondary school teachers and guidance counselors.

''(d) APPLICATIONS.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. At a minimum, each State educational agency application shall—

''(1) describe the advanced placement test fees the State educational agency will pay on behalf of low-income individuals in the State from grant funds made available under this section;

''(2) provide an assurance that any grant funds received under this section, other than funds used in accordance with subsection (e), shall be used only to pay for advanced placement test fees; and

''(3) contain such information as the Secretary may require to demonstrate that the State will ensure that a student is eligible for payments under this section, including documentation required under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.).

''(e) ADDITIONAL USES OF FUNDS.—If each eligible low-income individual in a State pays not more than a nominal fee to take an advanced placement test in a core subject, then a State educational agency may use grant funds made available under this section that remain after advanced placement test fees have been paid on behalf of all eligible low-income individuals in the State, for activities directly related to increasing—

''(1) the enrollment of low-income individuals in advanced placement courses;

''(2) the participation of low-income individuals in advanced placement courses; and

''(3) the availability of advanced placement courses in schools serving high-poverty areas.

''(f) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall supplement, and not supplant, other non-federal funds that are available to assist low-income individuals in paying for the cost of advanced placement test fees.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

''(h) REPORT.—Each State educational agency annually shall report to the Secretary information regarding—

''(1) the number of low-income individuals in the State who received assistance under this section; and

''(2) any activities carried out pursuant to subsection (e).

''(i) DEFINITIONS.—In this section:

''(1) ADVANCED PLACEMENT TEST.—The term 'advanced placement test' includes only an advanced placement test approved by the Secretary for the purposes of this section.

''(2) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given the term in section 402A(g)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(g)(2)).

''SEC. 10987. DEFINITIONS.

''In this part:

''(1) ADVANCED PLACEMENT INCENTIVE PROGRAM.—The term 'advanced placement incentive program' means a program that provides advanced placement activities and services to low-income individuals.

''(2) ADVANCED PLACEMENT TEST.—The term 'advanced placement test' means an advanced placement test administered by the College Board or approved by the Secretary.

''(3) HIGH CONCENTRATION OF LOW-INCOME STUDENTS.—The term 'high concentration of low-income students', used with respect to a State educational agency, local educational agency or school, means an agency or school, as the case may be, that serves a student population 40 percent or more of whom are from families with incomes below the poverty level, as determined in the same manner as the determination is made under section 1124(c)(2).

''(4) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' means, other than for purposes of section 10986, a low-income individual (as defined in section 402A(g)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(g)(2)) who is academically prepared to take successfully an advanced placement test as determined by a school teacher or advanced placement coordinator taking into consideration factors such as enrollment and performance in an advanced placement course or superior academic ability.

''(5) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(6) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''SEC. 10988. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 1096. DISSEMINATION OF ADVANCED PLACEMENT INFORMATION.

Each institution of higher education receiving Federal funds for research or for programs assisted under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.)—

(1) shall distribute to secondary school counselors or advanced placement coordinators in the State information with respect to the amount and type of academic credit provided to students at the institution of higher education for advanced placement test scores; and

(2) shall standardize, not later than 4 years after the date of enactment of this Act, the form and manner in which the information described in subparagraph (1) is disseminated by the various departments, offices, or other divisions of the institution of higher education.

TITLE XI—GENERAL PROVISIONS, DEFINITIONS AND ACCOUNTABILITY

SEC. 1101. DEFINITIONS.

Part A of title XIV (20 U.S.C. 8801 et seq.) is amended—

(1) in section 14101—

(A) in paragraphs (5), (6), (7), and (8), by striking ''section 14302'' and inserting ''section 11502'';

(B) by amending paragraph (10) to read as follows:

''(10) COVERED PROGRAM.—The term 'covered program' means each of the programs authorized by—

''(A) part A of title I,

''(B) part C of title I;

''(C) part A of title II;

''(D) subpart 1 of part D of title III;

''(E) part A of title IV (other than section 4115);

''(F) the Comprehensive School Reform Demonstration Program; and

''(G) title VI.'';

(C) in paragraph (11)(B), by striking ''and title VI'';

(D) in paragraph (24), by striking ''section 602(a)(17)'' and inserting in lieu thereof ''section 602(22)'';

(E) by redesignating paragraphs (15) through (29) as paragraphs (16) through (30), respectively; and

(F) by inserting after paragraph (14) a new paragraph (15) to read as follows:

''(15) FAMILY LITERACY SERVICES.—The term 'family literacy services' means services provided to eligible participants on a voluntary basis that are of sufficient intensity, both in hours and duration, to make sustainable changes in a family, and that integrate all of the following activities:

''(A) Interactive literacy activities between parents and their children.

''(B) Training for parents on how to be the primary teachers for their children and full partners in the education of their children.

''(C) Parent literacy training that leads to economic self-sufficiency.

''(D) An age-appropriate education to prepare children for success in school and life experiences.''; and

(2) in section 14102, by striking ''Parts B, C, D, E, and F'' and inserting ''Parts D, E, F, and G''.

SEC. 1102. ADMINISTRATIVE FUNDS.

Part B of title XIV (20 U.S.C. 8821 et seq.) is amended—

(1) in section 14201—

(A) by amending subsection (a)(2) to read as follows:

''(2) APPLICABILITY.—This section applies to—

''(A) programs under title I and those programs described in subparagraphs (C), (D), and (E) of section 11101(10);

''(B) the Comprehensive School Reform Demonstration Program;

''(C) title VI;

''(D) the Carl D. Perkins Vocational and Technical Education Act of 1998; and

''(E) such other programs as the Secretary may designate.'';

(B) by amending subsection (b)(2) to read as follows:

''(2) ADDITIONAL USES.—A State educational agency may also use the funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under the programs included in the consolidation under subsection (a), such as—

''(A) State-level activities designed to carry out this title, including part B;

''(B) the coordination of those programs with other Federal and non-Federal programs;

''(C) the establishment and operation of peer-review mechanisms under this Act;

''(D) collaborative activities with other State educational agencies to improve administration under this Act;

''(E) the dissemination of information regarding model programs and practices;

''(F) technical assistance under the programs specified in subsection (a)(2);

''(G) training personnel engaged in audit and other monitoring activities; and

''(H) implementation of the Cooperative Audit Resolution and Oversight Initiative.''; and

(C) by striking subsection (f);

(2) in section 14203—

(A) in subsection (b), by striking ''Improving America's Schools Act of 1994'' and inserting ''Educational Excellence for All Children Act of 2000''; and

(B) in subsection (d), by striking ''the uses described in section 14201(b)(2)'' and inserting ''for uses, at the school district and school levels, comparable to those described in section 11401(b)(2)'';

(3) by repealing section 14204;

(4) in section 14205(a)(2)(B)(i), by striking ''National Education Goals'' and inserting ''America's Education Goals''; and

(5) in section 14206—

(A) by amending the section heading to read: ''MOST EFFECTIVE USE OF PROGRAM FUNDS.'';

(B) by amending subsection (a) to read as follows:

''(a) MOST EFFECTIVE USE.—With the approval of its State educational agency, a local educational agency that determines for any fiscal year that funds under a covered program (other than part A of title I) would be more effective in helping all its students achieve the State's challenging standards if used under another covered program, may use those funds, not to exceed five percent of the local educational agency's total allotment for that fiscal year, to carry out programs and activities under that other covered program.''; and

(C) in subsection (b), by striking ''title XI of this Act'' and inserting ''part I of this title''.

SEC. 1103. COORDINATION OF PROGRAMS.

Part C of title XIV (20 U.S.C. 8851 et seq.) is amended—

(1) in the heading thereof, by striking ''AND APPLICATIONS'';

(2) by amending section 14302 to read as follows:

''SEC. 14302. OPTIONAL CONSOLIDATED STATE PLANS.

''(a) GENERAL.—

''(1) PURPOSE AND AUTHORITY.—In order to promote continuing, standards-based education reform, encourage the integration and coordination of resources, and simplify application requirements and reduce burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which a State educational agency may submit a consolidated State plan meeting the requirements of this section for any or all of—

''(A) the covered programs in which the State participates; and

''(B) the additional programs described in paragraph (2).

''(2) ADDITIONAL PROGRAMS.—A State educational agency may also include in its consolidated State plan—

''(A) the Even Start program under part B of title I;

''(B) the State Agency Programs for Children and Youth Who Are Neglected or Delinquent under part D of title I;

''(C) programs under part A of title II of the Carl D. Perkins Vocational and Technical Education Act of 1998; and

''(D) such other programs as the Secretary may designate.

''(3) STATE DEVELOPMENT AND SUBMISSION.—(A) A State educational agency desiring to receive a grant under two or more of the programs to which this section applies may submit a consolidated State plan for those programs that satisfies the procedures and criteria established under this section.

''(B) A State educational agency that submits a consolidated State plan shall not be required to submit separate State plans or applications for the programs included in the consolidated State plan.

''(C) A State educational agency that submits a consolidated State plan shall comply with all the requirements applicable to the programs in the consolidated State plan as if it had submitted separate State plans.

''(4) CONSOLIDATED STATE PLANS.—A State educational agency that desires to receive funds under a program to which this section applies for the fiscal year 2001 and the succeeding four fiscal years shall submit to the Secretary a new consolidated plan that meets the requirements of this section within the time specified by the Secretary.

''(b) PLAN CONTENTS.—

''(1) COLLABORATIVE PROCESS.—(A) In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

''(B)(i) Through the collaborative process described in paragraph (1), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions and information that must be included in a consolidated State plan.

''(ii) In carrying out clause (i), the Secretary shall ensure that a consolidated State plan contains, for each program included in the plan, the descriptions and information needed to ensure proper and effective administration of that program in accordance with its purposes.

''(2) INTEGRATION AND COORDINATION OF RESOURCES.—In its consolidated plan under this section, a State educational agency shall describe how—

''(A) funds under the programs included in the plan will be integrated to best serve the students and teachers intended to benefit from those programs; and

''(B) those programs will be coordinated at the State, school district, and school levels with—

''(i) other covered programs not included in the plan; and

''(ii) related programs, such as programs under the Reading Excellence Act under part E of title I, the 21st Century Community Learning Centers program and the High School Reform program under parts G and H of title X, respectively, and the Teacher Quality Enhancement Programs, and the Gaining Early Awareness and Readiness for Undergraduate Programs under title II and chapter 2 of subpart 2 of part A of title IV, of the Higher Education Act of 1965, respectively.

''(c) INDICATORS.—In order to evaluate its performance under its consolidated State plan, a State educational agency shall include in its plan—

''(1) any information required by the Secretary under section 11912 regarding performance indicators, benchmarks, and targets; and

''(2) any other indicators or measures the State determines are appropriate for evaluating its performance under its consolidated State plan.

''(d) MONITORING AND DATA INTEGRITY.—A State educational agency shall include in its consolidated State plan a description of the

strategies it will use to meet the requirements of section 11503(a)(4) and (5).

''(e) PEER REVIEW AND SECRETARIAL APPROVAL.—(1) The Secretary shall—

''(A) establish a peer-review process to assist in the review, and provide recommendations for the revision, of consolidated State plans under this section; and

''(B) to the extent practicable, appoint individuals to the peer-review process who—

''(i) are knowledgeable about the programs, and the populations they serve, included in the plans;

''(ii) are representative of State educational agencies, local educational agencies, teachers, and parents of students served under those programs; and

''(iii) have expertise on educational standards, assessments, and accountability.

''(2)(A) Following such peer review, the Secretary shall approve a consolidated State plan if the Secretary determines that the plan meets the requirements of this section.

''(B) The Secretary may accompany such approval with one or more conditions that the State educational agency shall meet.

''(3) If the Secretary determines that the plan does not meet the requirements of this section, the Secretary shall notify the State of that determination and the reasons for it.

''(4) The Secretary shall not finally disapprove a consolidated State plan before—

''(A) offering the State an opportunity to revise its plan;

''(B) providing technical assistance to assist the State to meet the requirements; and

''(C) providing a hearing.

''(f) REVISION AND AMENDMENT.—A State educational agency shall periodically review its consolidated State plan to ensure that it accurately reflects its strategies and activities under the programs covered by the plan. If the State educational agency makes significant changes to its strategies and activities, it shall submit an amendment to its plan to the Secretary for approval in accordance with this section.'';

(3) in section 14303(a)—

(A) in the matter before paragraph (1)—

(i) by striking ''or consolidated State application''; and

(ii) by striking ''section 14302'' and inserting ''section 11502'';

(B) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (6), (7), (8), and (9), respectively; and

(C) by inserting after paragraph (3) the following new paragraphs:

''(4) the State will monitor performance by local educational agencies to ensure compliance with the requirements of this Act and—

''(A) maintain proper documentation of monitoring activities;

''(B) provide technical assistance when appropriate and undertake enforcement activities when needed; and

''(C) systematically analyze the results of audits and other monitoring activities to identify trends in funding and to develop strategies to correct problems;

''(5) the data used by the State to measure its performance (and that of its local educational agencies) under this Act are complete, reliable, and accurate, or, if not, that the State will take such steps as are necessary to make those data complete, reliable, and accurate.'';

(4) by repealing section 14304;

(5) by amending section 14305 to read as follows:

''SEC. 14305. CONSOLIDATED LOCAL PLANS.

''(a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one covered program may submit plans to the State educational agency under such programs on a consolidated basis.

''(b) CONSOLIDATED PLANS.—A State educational agency that has an approved consolidated State plan under section 11502 may require local educational agencies that receive funds under more than one program included in the consolidated State plan to submit consolidated local plans for such programs.

''(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing criteria and procedures for the submission of the consolidated local plans under this section.

''(d) CONTENTS.—For each program under this Act that may be included in a plan under this section, the Secretary may designate the descriptions and information that must be included in a local consolidated plan, to ensure that each such program is administered in a proper and effective manner in accordance with its purposes.'';

(6) in section 14306, by striking out ''section 14304'' and inserting in lieu thereof ''section 11504'';

(7) by repealing section 14307; and

(8) by adding at the end thereof a new section to read as follows:

''SEC. 14307. CONSOLIDATED REPORTING.

''In order to encourage integration and coordination of resources, simplify reporting requirements, and reduce reporting burden, the Secretary shall establish procedures and criteria under which a State educational agency must submit a consolidated State annual performance report. Such a report shall contain information about the programs included in the report, including the State's performance under those programs, and other matters, as the Secretary determines, such as information regarding monitoring activities under part I and section 11503(a)(4). Such a report shall take the place of individual annual performance reports for the programs subject to it.''.

SEC. 1104. WAIVERS.

Part D of title XIV (20 U.S.C. 8881 et seq.) is amended—

(1) in section 14401(a), by inserting a comma and ''the Carl D. Perkins Vocational and Technical Education Act of 1998, or subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act'' immediately after ''requirement of this Act'';

(2) in section 14401(b), by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—A State educational agency, local educational agency, or Indian tribe that desires a waiver shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall—

''(A) identify each Federal program affected and the statutory or regulatory requirement requested to be waived;

''(B) describe the purpose and expected results of waiving each such requirement;

''(C) describe for each school year specific, measurable, educational goals for the State educational agency and for each local educational agency, Indian tribe, or school that would be affected by the waiver; and

''(D) explain why the waiver would assist the State educational agency and each affected local educational agency, Indian tribe, or school in reaching those goals.'';

(3) in section 14401(c)—

(A) in paragraph (8) by—

(i) striking out ''part C of title X'' and inserting in lieu thereof ''part B of title V''; and

(ii) by striking out ''or'' at the end thereof;

(B) in paragraph (9)—

(i) by striking out ''section 14502'' and ''section 14507'' and inserting in lieu thereof ''section 11702'' and ''section 11707'', respectively; and

(ii) at the end thereof, by striking out the period and inserting in lieu thereof a semicolon and ''and''; and

(C) by adding at the end thereof a new paragraph to read as follows:

''(10) health and safety.''; and

(4) in section 14401(e)(4), by—

(A) striking out ''fiscal year 1997'' and inserting in lieu thereof ''fiscal year 2001''; and

(B) striking out ''the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting in lieu thereof ''the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate''.

SEC. 1105. UNIFORM PROVISIONS.

Part E of title XIV (20 U.S.C. 8891 ET SEQ.) is amended—

(1) in section 14501(a), by inserting ''(except part C of title I)'' immediately after ''covered program'';

(2) in section 14503—

(A) in subsection (a)(1), by inserting ''that address their needs'' immediately before the period;

(B) by amending subsection (b)(1) to read as follows:

''(1) IN GENERAL.—This section applies to programs under—

''(A) part C of title I;

''(B) part E of title I;

''(C) subpart 2 of part A of title II;

''(D) title III;

''(E) part A of title IV, other than section 4115; and

''(F) part A of title VII.''; and

(C) in subsection (c)—

(i) in paragraph (1)—

(I) in subparagraph (C), by striking out ''and'' at the end thereof;

(II) in subparagraph (D), by striking out the period and inserting a semi-colon; and

(III) by adding at the end thereof the following new subparagraphs:

''(E) to the extent applicable, the amount of funds received by such agency that are attributable to private school children; and

''(F) how and when such agency will make decisions about the delivery of services to these children.''; and

(ii) by amending paragraph (2) to read as follows:

''(2) TIMING.—Such consultation shall include meetings of agency and private school officials, shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children, teachers, or other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.'';

(3) in section 14504, by striking out ''section 14503'' and ''sections 14503, 14505, and 14506'' and inserting in lieu thereof ''section 11703'' and ''sections 11703, 11705, and 11706'', respectively;

(4) in section 14506—

(A) in subsection (a)(1)(A), by striking out ''section 14504'' and inserting in lieu thereof ''section 11704'';

(B) in subsection (b), by striking out ''section 14503'' and inserting in lieu thereof ''section 11703''; and

(C) in subsection (d), by striking out ''Improving America's Schools Act of 1994'' and inserting in lieu thereof ''Educational Excellence for All Children Act of 1999''; and

(5) by repealing section 14513 and section 14514.

SEC. 1106. REPEAL.

Part F of title XIV (20 U.S.C. 8921 et seq.) is repealed.

SEC. 1107. EVALUATION AND INDICATORS.

Part G of title XIV (20 U.S.C. 8941 et seq.) is amended—

(1) in the heading, by inserting ''**AND INDICATORS**'';

(2) in section 14701—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(II) by inserting the following new subparagraph (B):

''(B) conduct evaluations that carry out the purposes of the Government Performance and Results Act of 1993 with respect to programs under this Act;'';

(III) in subparagraph (C), as redesignated by clause (i), by striking out ''and'' at the end thereof;

(IV) in subparagraph (D), as redesignated by clause (i), by striking out the period and inserting in lieu thereof a semi-colon and ''and''; and

(V) by adding at the end thereof the following new subparagraph (E):

''(E) to work in partnership with the States to develop information relating to program performance that can be used to help achieve continuous program improvement at the State, school district, and school levels.'';

(B) by striking out subsections (b) and (c); and

(C) by inserting after subsection (a) the following new subsections:

''(b) NATIONAL EVALUATION.—The Secretary shall use funds reserved under subsection (a) to conduct independent studies of programs under this Act and the effectiveness of those programs in achieving their purposes, to determine whether those programs (or the administration of those programs) are—

''(1) contributing to improved student academic performance;

''(2) supporting the development of challenging standards and aligned assessments that guide other elements of school reform, including teacher certification, curriculum frameworks, instruction, and professional development;

''(3) assisting efforts in schools and classrooms to improve teaching and the climate for learning, particularly in high-poverty schools, including efforts related to technology, professional development, school violence and drug prevention, and public school choice;

''(4) promoting flexibility with accountability;

''(5) supporting efforts to strengthen family and community involvement in education;

''(6) targeting their resources effectively;

''(7) contributing to reform efforts and continuous improvement; and

''(8) achieving other goals consistent with the purposes of this Act.

''(c) INDEPENDENT PANEL.—The Secretary shall establish an independent panel to review studies under subsection (b) to advise the Secretary on their progress, and to comment, if the panel chooses, on the final report described in subsection (d).

''(d) REPORTS.—The Secretary shall submit an interim report on the evaluation described in subsection (b) within three years of enactment of the Educational Excellence for All Children Act of 2000 and a final report within four years of its enactment to the Committee on Education and the Workforce of the House of Representatives and to the Committee on Health, Education, Labor and Pensions of the Senate.

''(e) PARTNERSHIPS TO STRENGTHEN PERFORMANCE INFORMATION FOR IMPROVEMENT.—The Secretary may provide technical assistance to recipients of assistance under this Act in order to strengthen the collection and assessment of information relating to program performance and quality assurance at the State and local levels. Such technical assistance shall be designed to promote the development, measurement, use, and reporting of data on valid, reliable, timely, and consistent performance indicators, within and across programs, and may include one-time grants, from funds reserved under subsection (a), to recipients to develop their data systems with the goal of helping recipients make continuous program improvement.''; and

(3) by adding at the end thereof the following new section:

''SEC. 14702. PERFORMANCE MEASURES.

''(a) IN GENERAL.—The Secretary is authorized to establish performance indicators, benchmarks, and targets for each program under this Act and subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, to assist in measuring program performance. Indicators, benchmarks, and targets under this section shall be consistent with the Government Performance and Results Act of 1993 (and strategic plans adopted by the Secretary under that Act) and section 11501.

''(b) COLLABORATION.—The Secretary shall collaborate with State educational agencies, local educational agencies, and other recipients under this Act in establishing performance indicators, benchmarks, and targets under this section.

''(c) PLANS AND APPLICATIONS.—The Secretary may require any applicant for funds under this Act or subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act to—

''(1) include in its plan or application information relating to how it will use performance indicators, benchmarks, and targets under this section to improve its program performance; and

''(2) report data relating to such performance indicators, benchmarks, and targets to the Secretary.''.

SEC. 1108. COORDINATED SERVICES.

(a) REPEALS AND REDESIGNATIONS.—The Elementary and Secondary Education Act of 1965 (20 U.S.C 6301 et seq.) is further amended by—

(1) repealing sections 11003 and 11007; and

(2) redesignating—

(A) title XI as part I of title XI; and

(B) sections 11001, 11002, 11004, 11005, and 11006 as sections 11901, 11902, 11903, 11904, and 11905, respectively.

(b) MISCELLANEOUS.—Part I of title XI, as redesignated by subsection (a)(2), is amended—

(1) by amending section 11903, as redesignated by subsection (a)(2)(B), to read as follows:

''SEC. 11903. PROJECT DEVELOPMENT AND IMPLEMENTATION.

''(a) APPLICATIONS.—Each eligible entity desiring to use funds made available under section 11405(b) shall submit an application to the appropriate State educational agency at such time, in such manner, and accompanied by such information as that agency may reasonably require.

''(b) PROJECT ACTIVITIES.—An eligible entity that wishes to conduct a coordinated services project shall—

''(1) maintain on file—

''(i) the results of its assessment of the economic, social, and health barriers to educational achievement experienced by children and families, including foster children and their foster families, in the community, and of the local, State, Federal, and privately funded services available to meet those needs;

''(ii) a description of the entities operating the coordinated services project;

''(iii) a description of its coordinated services project, the objectives of that project, where the project will be located, the community-wide partnership that will link public and private agencies providing services to children and their families, the staff that will be used to carry out the project, and how the project will meet the requirements in this part; and

''(iv) an annual budget that indicates the sources and amounts of funds under this Act that will be used for the project, consistent with section 11405(b), and the purposes, by budget category, for which those funds will be used;

''(2) evaluate annually the success of the coordinated services project under this section in meeting its goals and objectives;

''(3) train teachers and appropriate personnel on the purposes, activities, and services of the coordinated services project, and how children and families may obtain those activities and services; and

''(4) ensure that the coordinated services project addresses the health and welfare needs of migratory families.

''(c) SPECIAL RULE.—A State educational agency need not require eligible entities to submit an application under subsection (a) in order to permit them to carry out coordinated services projects under this section.'';

(2) in section 11904(a)—

(A) in paragraph (1), by striking out ''section 14206(b)'' and ''section 11004(b)(1)'' and inserting in lieu thereof ''section 11405(b) for a coordinated services project'' and ''section 11903(b)(1)(i)'', respectively; and

(B) in paragraph (2), by striking out ''section 14206(b)'' and inserting in lieu thereof ''section 11405(b)''; and

(3) in section 11905—

(A) by striking out ''Secretary'' each place it appears and inserting in lieu thereof ''State educational agency''; and

(B) by striking out ''section 14206(b)'' and inserting in lieu thereof ''section 11405(b)''.

SEC. 1109. REDESIGNATIONS.

Title XIV (20 U.S.C. 8801 et seq.) is further amended—

(1) by redesignating such title as title XI;

(2)(A) by redesignating sections 14101, 14102, and 14103 as sections 11101, 11102, and 11103, respectively; and

(B) by amending section 11103 (as so redesignated) to read as follows:

''SEC. 11103. APPLICABILITY TO BUREAU OF INDIAN AFFAIRS OPERATED SCHOOLS.

''For purposes of any competitive program under this Act—

''(1) a consortium of schools operated by the Bureau of Indian Affairs;

''(2) a school operated under a contract or grant with the Bureau of Indian Affairs in consortium with another contract or grant school, or with a tribal or community organization; or

''(3) a Bureau of Indian Affairs school in consortium with an institution of higher education, with a contract or grant school, or with a tribal or community organization, shall be given the same consideration as a local educational agency.'';

(3) by redesignating—

(A) part B as part D; and

(B) sections 14201, 14202, 14203, 14205, and 14206 as sections 11401, 11402, 11403, 11404, and 11405, respectively;

(4) by redesignating—

(A) part C as part E; and

(B) sections 14301, 14302, 14303, 14305, 14306, and 14307 as sections 11501, 11502, 11503, 11504, 11505, and 11506, respectively;

(5) by redesignating—

(A) part D as part F; and

(B) section 14401 as section 11601;

(6) by redesignating—

(A) part E as part H; and

(B) sections 14501, 14502, 14503, 14504, 14505, 14506, 14507, 14508, 14509, 14510, 14511, and 14512 as sections 11801, 11802, 11803, 11804, 11805, 11806, 11807, 11808, 11809, 11810, 11811, and 11812, respectively;

(7) by redesignating—

(A) part G as part J; and

(B) sections 14701 and 14702 as sections 11911 and 11912, respectively; and

(8) by redesignating—

(A) part H as part K and

(B) sections 14801 and 14802 as sections 11921 and 11922, respectively.

SEC. 1110. ED-FLEX PARTNERSHIPS.

(a) IN GENERAL.—The Education Flexibility Partnership Act of 1999 (P.L. 106–25) is amended—

(1) by striking out everything before section 1;

(2) in section 1, by—

(A) striking out ''Act'' and inserting in lieu thereof ''part''; and

(B) striking out ''of 1999'';

(3) in section (2), by—

(A) striking out paragraph (5);

(B) redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(C) in paragraph (5), as redesignated by subparagraph (B), by—

(i) striking out ''Expansion of waiver authority will allow for the waiver of'' and inserting ''States should be allowed to waive''; and

(ii) striking out the comma after ''affected programs'' and everything that follows through ''and maintaining'' and inserting ''and maintaining'';

(4) by amending section 3 to read as follows:

''SEC. 3. DEFINITIONS.

''As used in this part, the terms 'eligible school attendance area' and 'school attendance area' have the meanings given those terms in section 1113(a)(2) of this Act.'';

(5) in section 4—

(A) in subsection (a)—

(i) in paragraph (2)—

(I) in the matter before subparagraph (A), by inserting a comma after ''section'';

(II) by amending subparagraph (A) to read as follows:

''(A) has an approved educational accountability plan under section 11208 of this Act and is making satisfactory progress, as determined by the Secretary, in implementing its policies under sections 11204 and 11205 of this Act;''; and

(III) by amending subparagraph (B) to read as follows:

''(B) has developed and implemented challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of this Act; and'';

(ii) in paragraph (3)(B)—

(I) in the matter before clause (i), by striking out ''such application'' and inserting ''it''; and

(II) in clause (iv)(I), by striking out ''have the ability to'' and inserting ''can'';

(iii) in paragraph (4)(A)—

(I) in the matter before clause (i), by inserting a comma immediately after ''paragraph (1)(A)'' and immediately after ''regulatory requirement'', the second time that phrase appears, respectively; and

(II) in clause (iv), by striking out ''why'' and inserting ''how'';

(iv) in paragraph (5)—

(I) in subparagraph (B)(ii), by striking out ''each such State'' and inserting in lieu thereof ''it''; and

(II) in subparagraph (C), by striking out ''2 years after the date of the enactment of this Act'' and inserting ''May 1, 2001'';

(v) in paragraph (6), by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may, in accordance with subparagraph (C), extend that period if the Secretary determines that—

''(i) the State educational agency's authority to grant waivers has been effective in enabling that State or affected local educational agencies or schools to carry out their State or local reform plans and to continue to meet the accountability requirement described in paragraph (2)(B); and

''(ii) the State has made significant statewide gains in student achievement and in closing the achievement gap between low- and high-performing students.''; and

(vi) in paragraph (7), by striking out ''1999'' and inserting ''2000'';

(B) by amending subsection (b) to read as follows:

''(b) INCLUDED PROGRAMS.—The statutory and regulatory requirements referred to in subsection (a)(1)(A) are any requirements for programs carried out under the following provisions:

''(1) Title I of this Act (other than subsection (a) and (c) of section 1116).

''(2) Part A of title II of this Act.

''(3) Subpart 1 of part D of title III of this Act.

''(4) Part A of title IV of this Act.

''(5) Title VI of this Act.

''(6) Part B of title VII of this Act.

''(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

''(8) Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act.'';

(C) in subsection (c)—

(i) in subparagraph (G), by striking out ''such Act'' and inserting ''this Act'';

(ii) by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively; and

(iii) by inserting a new subparagraph (H) to read as follows:

''(H) the eligibility of a school for a schoolwide program under section 1114 of this Act, except that a State educational agency may grant a waiver to allow a local educational agency to conduct a schoolwide program in a school that serves an attendance area in which not less than 40 percent of the children are from low-income families or in which not less than 40 percent of the children enrolled are from such families;'';

(D) in subsection (d)—

(i) in paragraph (1), by striking out ''the waiver authority'' and inserting ''that waiver authority''; and

(ii) in paragraph (4), by—

(I) striking out ''date of the enactment of this Act'' and inserting ''effective date of this part''; and

(II) striking out ''subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act)'' and inserting ''subpart 1 of part D of title III of this Act''; and

(E) at the end thereof, by adding a new subsection (f) to read as follows:

''(f) TRANSITION.—Waivers granted under applicable ED-Flex authority prior to the effective date of this part shall remain in effect in accordance with the terms and conditions that applied to those waivers when they were granted. Waivers granted on or after the effective date of this part shall be subject to the provisions of this part.'';

(6) by striking out ''the Elementary and Secondary Education Act of 1965'' each place it appears and inserting ''this Act''; and

(7) by repealing sections 5 and 6.

(b) REDESIGNATIONS.—Title XI is further amended—

(1) by redesignating the Education Flexibility Partnership Act, as amended by subsection (a), as part G of title XI; and

(2) by redesignating sections 1, 2, 3, and 4 as sections 11701, 11702, 11703, and 11704, respectively.

SEC. 1111. ACCOUNTABILITY.

Title XI as redesignated by section 1109, is further amended by inserting a new part B to read as follows:

''PART B—IMPROVING EDUCATION THROUGH ACCOUNTABILITY

''SEC. 11201. SHORT TITLE.

''This part may be cited as the ''Education Accountability Act of 2000''.

''SEC. 11202. PURPOSE.

It is the purpose of this part to improve academic achievement for all children, assist in meeting America's Education Goals under section 3 of this Act, promote the incorporation of challenging State academic content and student performance standards into classroom practice, enhance the accountability of State and local officials for student progress, and improve the effectiveness of programs under this Act and the educational opportunities of the students that they serve.

''Subpart 1—Turning Around Failing Schools

''SEC. 11211. TURNING AROUND FAILING SCHOOLS.

''Consistent with section 1111(b)(3)(B) of this Act, a State that receives assistance under this Act shall develop and implement a statewide system for holding its local educational agencies and schools accountable for student performance that includes—

''(1) a procedure for identifying local educational agencies and schools in need of improvement;

''(2) intervening in those agencies and schools to improve teaching and learning; and

''(3) implementing corrective actions, if those interventions are not effective.

''SEC. 11212. ENSURING TEACHER QUALITY.

''(a) IN GENERAL.—A State that receives assistance under this Act shall, at the time it submits its accountability plan under section 11221, have in effect a policy that—

''(1) is designed to ensure that there are qualified teachers in every classroom in the State; and

''(2) meets the requirements of this section.

''(b) POLICY.—A policy to ensure teacher quality under this section shall include the strategies that the State will carry out to ensure that, within four years from the date of the approval of its accountability plan—

''(1) not less than 95 percent of the teachers in public schools in the State are certified or—

''(A) have a baccalaureate degree and are enrolled in a program, such as an alternative certification program, leading to full certification in their field within three years; or

''(B) have full certification in another State and are establishing certification where they are teaching;

''(2) not less than 95 percent of the teachers in public secondary schools in the State have academic training or demonstrated competence in the subject area in which they teach;

''(3) there is no disproportionate concentration in particular school districts of teachers who are not described in paragraphs (1) or (2); and

''(4) its certification process for new teachers includes an assessment of content knowledge and teaching skills that is aligned with State standards.

''(c) PLAN CONTENT.—(1) A State shall include in its accountability plan under section 11221 the performance indicators by

which it will annually measure its progress in—

''(A) decreasing the percentage of teachers in the State teaching without full licenses or credentials; and

''(B) increasing the percentage of secondary school classes in core academic subject areas taught by teachers who—

''(i) have a postsecondary-level academic major or minor in the subject area they teach or a related field; or

''(ii) otherwise demonstrate a high level of competence through rigorous tests in their academic subject.

''(2) In its accountability plan under section 11221, a State shall assure that, in carrying out this policy, it will not decrease the rigor or quality of its teacher certification standards.

''SEC. 11213. SOUND DISCIPLINE POLICY.

''(a) IN GENERAL.—A State that receives assistance under this Act shall, at the time it submits its accountability plan under section 11221, have in effect a policy that requires its local educational agencies and schools to have in place and implement sound and equitable discipline policies, in order to ensure a safe, orderly, and drug-free learning environment in every school.

''(b) POLICY.—A State discipline policy under this section shall require local educational agencies and schools to have in place and implement disciplinary policies that—

''(1) focus on prevention and are coordinated with prevention strategies and programs under title IV of this Act;

''(2) apply to all students and are enforced consistently and equitably;

''(3) are clear and understandable;

''(4) are developed with the participation of school staff, students, and parents;

''(5) are broadly disseminated;

''(6) ensure that due process is provided;

''(7) are consistent with applicable Federal, State and local laws, including the Individuals With Disabilities Education Act;

''(8) ensure that teachers are adequately trained to manage their classrooms effectively; and

''(9) in case of students who are suspended or expelled from school, provide for appropriate supervision, counseling, and educational services that will help those students continue to meet the State's challenging standards.

''(c) PLAN CONTENT.—A State shall include in its accountability plan under section 11221 an assurance that it has in effect a policy that meets the requirements of this section.

''Subpart 2—Accountability and Performance

''SEC. 11221. EDUCATION ACCOUNTABILITY PLANS.

''(a) IN GENERAL.—Each State that receives assistance under this Act on or after July 1, 2000, shall have on file with the Secretary an approved accountability plan that meets the requirements of this section.

''(b) CONTENT.—An accountability plan under subsection (a) shall include—

''(1) a description of the State's system under section 11203;

''(2) a description of the steps the State will take to ensure that all local educational agencies have the capacity needed to ensure compliance with this part;

''(3) the information or assurances called for by sections 11204(c), 11205(c), 11206(c), and 11207(e);

''(4) information indicating that the Governor and the State educational agency concur with the plan; and

''(5) any other information that the Secretary may reasonably require to ensure the proper and effective administration of this part.

''(c) REPORTS.—(1) A State shall report annually to the Secretary, in such form and containing such information as the Secretary may require, on its progress in carrying out the requirements of this part, and shall include such report in its consolidated State performance report under section 11506.

''(2) In reporting on its progress in implementing its student progress and social promotion policy under section 11204, a State shall assess the effect of its policy, and its implementation, in improving academic achievement for all children and otherwise carrying out the purpose specified in section 11202.

''(d) RELATIONSHIP TO CONSOLIDATED PLAN.—(1) If a State submits a consolidated State plan under section 11502, it shall include in that plan its accountability plan under this section.

''(2) If a State does not submit a consolidated State plan, it shall submit a separate accountability plan under this section to receive assistance under this Act.

''(e) APPROVAL.—(1)(A) The Secretary shall approve an accountability plan under this section if the Secretary determines that it complies substantially with the requirements of this part.

''(B) The Secretary may accompany the approval of a plan with conditions that are consistent with the purpose of this part.

''(2) In reviewing accountability plans under this part, the Secretary shall employ the peer-review procedures under section 11502(e).

''(3) If a State does not submit a consolidated State plan under section 11502, the Secretary shall, in considering that State's separate accountability plan under this section, employ such procedures, comparable to those set forth in section 11502(e), as the Secretary may determine.

''SEC. 11221A. ADDITIONAL ACCOUNTABILITY PROVISIONS.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, a recipient of funds provided under part A of title I, part B, D, F, G, or H of title II, part A, B, C, D, or E of title III, part A of title IV, title VII, or title X shall include the following in the plans or applications and reports required under such provisions:

''(1) The methods the recipient will use to measure the annual impact of each program funded in whole or in part with funds provided under such part and, if applicable, the extent to which each such program will increase student academic achievement.

''(2) The annual, quantifiable, and measurable performance goals and objectives for each such program, including the adequate yearly progress established under part A of title I, the extent to which, if applicable, the program's goals and objectives align with State content standards and State student performance standards established under section 1111(b)(1)(A).

''(3) If the recipient is a local educational agency, 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 plan submitted and that such consultation will continue on a regular basis.

''(4) A report for the preceding fiscal year regarding how the plan submitted for such fiscal year was implemented, the recipient's progress towards attaining the goals and objectives identified in such plan for such year, and, if applicable, the extent to which programs funded in whole or in part with funds provided under such part increased student achievement.

''(b) PENALTIES.—If a recipient of funds provided under the parts of this Act described in subsection (a) fails to meet the goals and objectives of such parts for 3 consecutive fiscal years, the Secretary shall—

''(1) withhold not less than 50 percent of the funds made available under the relevant program for administrative expenses for the succeeding fiscal year, and for each consecutive fiscal year thereafter for which the recipient fails to meet such goals and objectives; and

''(2) in the case of—

''(A) a competitive grant, consider the recipient ineligible for future grants until the applicants meet such goals and objectives; and

''(B) a formula grant, withhold not less than 20 percent of the total amount of funds provided under title VI for the succeeding fiscal year and each consecutive fiscal year thereafter for which the recipient fails to meet such goals and objectives.

''(c) OTHER PENALTIES.—A State that has not meet the requirements of subsection (a)(2) with respect to a fiscal year—

''(A) is not eligible for Ed-Flex designation under the Education Flexibility Partnership Act of 1999; and

''(B) shall be subject to such other penalties as are provided for violation of this Act.

''(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, where applicable.

''(C) If the grant requires dissemination of information or materials, 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 or contributed to the stated goal of the program.

''(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), where applicable, assess the magnitude of dissemination, and, where applicable, 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) where applicable, dissemination has not been of a magnitude to ensure goals are being addressed; and

''(iii) where applicable, the information or materials produced have not made a significant impact on raising student achievement in places where such information or materials are used.

''SEC. 11222. PARENTAL INVOLVEMENT PLAN.

''(a) STATE PARENTAL INVOLVEMENT PLAN.—In order to receive Federal funding for any program authorized under this Act, a State educational agency shall (as part of a consolidated application, or other State plan or application submitted under this Act) submit to the Secretary—

''(1) a description of the agency's parental involvement policies, consistent with section 1118, including specific details about—

''(A) how Federal funds will be used to implement such policies; and

''(B) how successful research-based practices will be implemented in schools throughout the State; and

''(2) a description of how such policies will be evaluated with respect to increased parental involvement in the schools throughout the State.

''(b) PARENTAL REVIEW OF STATE PARENTAL INVOLVEMENT PLAN.—Prior to making the submission described in subsection (a), a State educational agency shall involve parents in the development of the policies described in such subsection by—

''(1) providing public notice of the policies in a manner and language understandable to parents;

''(2) providing the opportunity for parents and other interested individuals to comment on the policies; and

''(3) including the comments received with the submission.

''(c) LANGUAGE APPLICABILITY.—Each State educational agency and local educational agency that is required to establish a parental involvement plan or policy under a program assisted under this Act shall make available, to the parents of children eligible to participate in the program, the plan or policy in the language most familiar to the parents (where there are significant numbers of parents in that language group) and in an easily understandable manner.

''SEC. 11223. AUTHORITY OF SECRETARY TO ENSURE ACCOUNTABILITY.

''(a) REMEDIES FOR SUBSTANTIAL FAILURE.—If the Secretary determines that a State has failed substantially to carry out a requirement of this part or a provision in its approved accountability plan under section 11208, or that its performance has failed substantially to meet a performance indicator in such plan, the Secretary shall take, consistent with applicable due process procedures, one or more of the following steps to ensure that the purpose of this part is carried out promptly:

''(1) Providing, or arranging for the provision of, technical assistance to the State educational agency in question.

''(2) Requiring a plan for corrective action.

''(3) Suspending or terminating authority to grant waivers under applicable ED-Flex authority.

''(4) Suspending or terminating eligibility to participate in competitive programs under this Act.

''(5) Withholding, in whole or in part, State administrative funds available under this Act.

''(6) Withholding, in whole or in part, program funds available to such State under the Act.

''(7) Imposing one or more conditions upon the Secretary's approval of a State plan or application under this Act.

''(8) Taking other action authorized under part D of the General Education Provisions Act, such as a cease-and-desist order or compliance agreement.

''(9) Taking any other appropriate accountability step that is consistent with this Act, including referral to the Department of Justice for enforcement.

''(b) EFFECTIVE ENFORCEMENT.—If remedial steps taken by the Secretary under subsection (a) fail to correct the State's noncompliance, the Secretary shall take one or more additional steps under subsection (a) to bring the State into compliance.

''SEC. 11224. 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) ½ 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) ½ 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.—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 for parents, the general public, teachers and the Secretary, with respect to all elementary schools and secondary schools within the State.

''(2) REQUIREMENTS.—Annual report cards under this part shall be—

''(A) concise; and

''(B) presented in a format and manner that parents can understand, including, to the extent practicable, in a language the parents can understand.

''(g) CONTENT OF ANNUAL STATE REPORTS.—

''(1) REQUIRED INFORMATION.—Each State described in subsection (f)(1), at a minimum, shall include in the annual State report 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, annual school dropout rates, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data and 4-year graduation rates; and

''(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.

''(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.

''(E) Migrant status.

''(F) Students with disabilities, as compared with students who are not disabled.

''(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, the incidence of student suspensions and expulsions, student access to technology, including the number of computers for educational purposes, the number of computers per classroom, and the number of computers connected to the Internet, and parent involvement, as determined by such measures as the extent of parental participation in school, parental involvement activities, and extended learning time programs, such as after-school and summer programs.

''(h) LOCAL EDUCATIONAL AGENCY AND SCHOOL REPORT CARDS.—

''(1) IN GENERAL.—The State shall ensure that each local educational agency, elementary school, or secondary school in the

State, collects appropriate data and publishes an annual report card consistent with this subsection.

''(2) REQUIRED INFORMATION.—Each local educational agency, elementary school, and secondary school described in paragraph (1), at a minimum, shall include in its annual report card—

''(A) the information described in subsections (g)(1) and (2) for each local educational agency and school;

''(B) 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;

''(C) in the case of an elementary school or a secondary school—

''(i) information regarding whether the school has been identified for school improvement;

''(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) information about the enrollment of students compared to the rated capacity of the schools; and

''(D) other appropriate information, whether or not the information is included in the annual State report.

''(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 Internet and distribution to the media, and through public agencies.

''(j) 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.

''SEC. 11225. REWARDING HIGH PERFORMANCE.

''(a) STATE REWARDS.—

''(1) IN GENERAL.—From amounts appropriated under subsection (d), 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 Educational Opportunities 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 ½ 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 Educational Opportunities 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 ½ 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. 11226. BEST PRACTICES AND MODELS.

''In implementing this part, the Secretary shall, after consulting with State and local educational agencies and other agencies, institutions, and organizations with experience or information relevant to the purpose of this part, disseminate information about best practices, models, and other forms of technical assistance.

''SEC. 11227. CONSTRUCTION.

''Nothing in this part shall be construed as affecting home schooling or the application of the civil rights laws or the Individuals with Disabilities Education Act.''.

SEC. 1112. AMERICA'S EDUCATION GOALS PANEL.

(a) IN GENERAL.—Title XI, as redesignated by section 1109, is further amended by adding at the end the following:

''PART L—AMERICA'S EDUCATION GOALS PANEL

''SEC. 11931. AMERICA'S EDUCATION GOALS PANEL.

''(a) PURPOSE.—It is the purpose of this section to establish a bipartisan mechanism for—

''(1) building a national consensus for education improvement; and

''(2) reporting on progress toward achieving the National Education Goals.

''(b) AMERICA'S EDUCATION GOALS PANEL.—

''(1) ESTABLISHMENT.—There is established in the executive branch an America's Education Goals Panel (hereafter in this section

referred to as the 'Goals Panel') to advise the President, the Secretary, and Congress.

''(2) COMPOSITION.—The Goals Panel shall be composed of 18 members (hereafter in this section referred to as 'members'), including—

''(A) 2 members appointed by the President;

''(B) 8 members who are Governors, 3 of whom shall be from the same political party as the President and 5 of whom shall be from the opposite political party of the President, appointed by the Chairperson and Vice Chairperson of the National Governors' Association, with the Chairperson and Vice Chairperson each appointing representatives of such Chairperson's or Vice Chairperson's respective political party, in consultation with each other;

''(C) 4 Members of Congress, of whom—

''(i) 1 member shall be appointed by the Majority Leader of the Senate from among the Members of the Senate;

''(ii) 1 member shall be appointed by the Minority Leader of the Senate from among the Members of the Senate;

''(iii) 1 member shall be appointed by the Majority Leader of the House of Representatives from among the Members of the House of Representatives; and

''(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives from among the Members of the House of Representatives; and

''(D) 4 members of State legislatures appointed by the President of the National Conference of State Legislatures, of whom 2 shall be of the same political party as the President of the United States.

''(3) SPECIAL APPOINTMENT RULES.—

''(A) IN GENERAL.—The members appointed pursuant to paragraph (2)(B) shall be appointed as follows:

''(i) SAME PARTY.—If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint 3 individuals and the Vice Chairperson of such association shall appoint 5 individuals.

''(ii) OPPOSITE PARTY.—If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint 5 individuals and the Vice Chairperson of such association shall appoint 3 individuals.

''(B) SPECIAL RULE.—If the National Governors' Association has appointed a panel that meets the requirements of paragraph (2) and subparagraph (A), except for the requirements of subparagraph (D) of paragraph (2), prior to the date of enactment of the Elementary and Secondary Education Amendments of 1999, then the members serving on such panel shall be deemed to be in compliance with the provisions of such paragraph and subparagraph and shall not be required to be reappointed pursuant to such paragraph and subparagraph.

''(C) REPRESENTATION.—To the extent feasible, the membership of the Goals Panel shall be geographically representative and reflect the racial, ethnic, and gender diversity of the United States.

''(4) TERMS.—The terms of service of members shall be as follows:

''(A) PRESIDENTIAL APPOINTEES.—Members appointed under paragraph (2)(A) shall serve at the pleasure of the President.

''(B) GOVERNORS.—Members appointed under paragraph (2)(B) shall serve for 2-year terms, except that the initial appointments under such paragraph shall be made to ensure staggered terms with ½ of such members' terms concluding every 2 years.

''(C) CONGRESSIONAL APPOINTEES AND STATE LEGISLATORS.—Members appointed under subparagraphs (C) and (D) of paragraph (2) shall serve for 2-year terms.

''(5) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 60 days after the date of enactment of the Elementary and Secondary Education Amendments of 1999.

''(6) INITIATION.—The Goals Panel may begin to carry out the Goals Panel's duties under this section when 10 members of the Goals Panel have been appointed.

''(7) VACANCIES.—A vacancy on the Goals Panel shall not affect the powers of the Goals Panel, but shall be filled in the same manner as the original appointment.

''(8) TRAVEL.—Each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Goals Panel away from the home or regular place of business of the member.

''(9) CHAIRPERSON.—

''(A) IN GENERAL.—The members shall select a Chairperson from among the members.

''(B) TERM AND POLITICAL AFFILIATION.—The Chairperson of the Goals Panel shall serve a 1-year term and shall alternate between political parties.

''(10) CONFLICT OF INTEREST.—A member of the Goals Panel who is an elected official of a State which has developed content or student performance standards may not participate in Goals Panel consideration of such standards.

''(11) EX OFFICIO MEMBER.—If the President has not appointed the Secretary as 1 of the 2 members the President appoints pursuant to paragraph (2)(A), then the Secretary shall serve as a nonvoting ex officio member of the Goals Panel.

''(c) DUTIES.—

''(1) IN GENERAL.—The Goals Panel shall—

''(A) report to the President, the Secretary, and Congress regarding the progress the Nation and the States are making toward achieving America's Education Goals, including issuing an annual report;

''(B) report on, and widely disseminate through multiple strategies, promising or effective actions being taken at the Federal, State, and local levels, and in the public and private sectors, to achieve America's Education Goals;

''(C) report on, and widely disseminate on promising or effective practices pertaining to, the achievement of each of the 8 America's Education Goals; and

''(D) help build a bipartisan consensus for the reforms necessary to achieve America's Education Goals.

''(2) REPORT.—

''(A) IN GENERAL.—The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of Congress, and the Governor of each State a report that shall—

''(i) assess the progress of the United States toward achieving America's Education Goals; and

''(ii) identify actions that should be taken by Federal, State, and local governments—

''(I) to enhance progress toward achieving America's Education Goals; and

''(II) to provide all students with a fair opportunity-to-learn.

''(B) FORM; DATA.—Reports shall be presented in a form, and include data, that is understandable to parents and the general public.

''(d) POWERS OF THE GOALS PANEL.—

''(1) HEARINGS.—

''(A) IN GENERAL.—The Goals Panel shall, for the purpose of carrying out this section, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Goals Panel considers appropriate.

''(B) REPRESENTATION.—In carrying out this section, the Goals Panel shall conduct hearings to receive reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content standards, voluntary national student performance standards, and State assessments.

''(2) INFORMATION.—The Goals Panel may secure directly from any department or agency of the United States information necessary to enable the Goals Panel to carry out this section. Upon request of the Chairperson of the Goals Panel, the head of a department or agency shall furnish such information to the Goals Panel to the extent permitted by law.

''(3) POSTAL SERVICES.—The Goals Panel may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

''(4) USE OF FACILITIES.—The Goals Panel may, with or without reimbursement, and with the consent of any agency or instrumentality of the United States, or of any State or political subdivision thereof, use the research, equipment, services, and facilities of such agency, instrumentality, State, or subdivision, respectively.

''(5) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

''(A) IN GENERAL.—The Secretary shall provide to the Goals Panel, on a reimbursable basis, such administrative support services as the Goals Panel may request.

''(B) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary, to the extent appropriate, and on a reimbursable basis, shall enter into contracts and make other arrangements that are requested by the Goals Panel to help the Goals Panel compile and analyze data or carry out other functions necessary to the performance of such responsibilities.

''(6) GIFTS.—The Goals Panel may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

''(e) ADMINISTRATIVE PROVISIONS.—

''(1) MEETINGS.—The Goals Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Goals Panel or a majority of the Goals Panel's members.

''(2) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

''(3) VOTING AND FINAL DECISION.—

''(A) VOTING.—No individual may vote, or exercise any of the powers of a member, by proxy.

''(B) FINAL DECISIONS.—

''(i) CONSENSUS.—In making final decisions of the Goals Panel with respect to the exercise of the Goals Panel's duties and powers the Goals Panel shall operate on the principle of consensus among the members of the Goals Panel.

''(ii) VOTES.—Except as otherwise provided in this section, if a vote of the membership of the Goals Panel is required to reach a final decision with respect to the exercise of the Goals Panel's duties and powers, then such final decision shall be made by a ¾ vote of the members of the Goals Panel who are present and voting.

''(4) PUBLIC ACCESS.—The Goals Panel shall ensure public access to the Goals Panel's proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

''(f) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—

''(1) DIRECTOR.—The Chairperson of the Goals Panel, without regard to the provisions of title 5, United States Code, relating

to the appointment and compensation of officers or employees of the United States, shall appoint a Director of the Goals Panel to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

''(2) APPOINTMENT AND PAY OF EMPLOYEES.—

''(A) APPOINTMENT.—

''(i) IN GENERAL.—The Director may appoint not more than 4 additional employees to serve as staff to the Goals Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

''(ii) PAY.—The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS–15 of the General Schedule.

''(B) ADDITIONAL EMPLOYEES.—The Director may appoint additional employees to serve as staff to the Goals Panel in accordance with title 5, United States Code.

''(3) EXPERTS AND CONSULTANTS.—The Goals Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

''(4) STAFF OF FEDERAL AGENCIES.—Upon the request of the Goals Panel, the head of any department or agency of the United States may detail any of the personnel of such agency to the Goals Panel to assist the Goals Panel in the Goals Panel's duties under this section.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $2,500,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

(b) TRANSITION RULE.—Each individual who is a member or employee of the National Education Goals Panel on the date of enactment of the Elementary and Secondary Education Amendments of 1999 shall be a member or employee, respectively, of the America's Education Goals Panel, without interruption or loss of service or status.

TITLE XII—PUBLIC SCHOOL REPAIR AND RENOVATION

SEC. 1201. PUBLIC SCHOOL REPAIR AND RENOVATION.

Title XII (20 U.S.C. 8501 et seq.) is amended to read as follows:

''TITLE XII—PUBLIC SCHOOL REPAIR AND RENOVATION

''SEC. 12001. FINDINGS.

''Congress finds as follows:

''(1) The General Accounting Office estimated in 1995 that it would cost $112,000,000,000 to bring our Nation's school facilities into good overall condition.

''(2) The General Accounting Office also found in 1995 that 60 percent of the Nation's schools, serving 28,000,000 students, reported that 1 or more building features, such as roofs and plumbing, needed to be extensively repaired, overhauled, or replaced.

''(3) The National Center for Education Statistics reported that the average age for a school building in 1998 was 42 years and that local educational agencies with relatively high rates of poverty tend to have relatively old buildings.

''(4) School condition is positively correlated with student achievement, according to a number of research studies.

''(5) The results of a recent survey indicate that the condition of schools with large proportions of students living on Indian lands is particularly poor.

''(6) While school repair and renovation are primarily a State and local concern, some States and communities are not, on their own, able to meet the burden of providing adequate school facilities for all students, and the poorest communities have had the greatest difficulty meeting this need. It is, therefore, appropriate for the Federal Government to provide assistance to high-need communities for school repair and renovation.

''SEC. 12002. PURPOSE.

''The purpose of this title is to assist high-need local educational agencies in making urgent repairs and renovations to public school facilities in order to—

''(1) reduce health and safety problems, including violations of local or State fire codes, faced by students; and

''(2) improve the ability of students to learn in their school environment.

''SEC. 12003. AUTHORIZED ACTIVITIES.

''(a) IN GENERAL.—A recipient of a grant or loan under this title shall use the grant or loan funds to carry out the purpose of this title by—

''(1) repairing or replacing roofs, electrical wiring or plumbing systems;

''(2) repairing, replacing, or installing heating, ventilation, or air conditioning systems;

''(3) ensuring that repairs and renovations under this title comply with the requirements of section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 relating to the accessibility of public school programs to individuals with disabilities; and

''(4) making other types of school repairs and renovations that the Secretary may reasonably determine are urgently needed, particularly projects to correct facilities problems that endanger the health and safety of students and staff such as violations of State or local fire codes.

''(b) LIMITATION.—The Secretary shall not approve an application for a grant or loan under this title unless the applicant demonstrates to the Secretary's satisfaction that the applicant lacks sufficient funds, from other sources, to carry out the repairs or renovations for which the applicant is requesting assistance.

''SEC. 12004. GRANTS TO LOCAL EDUCATIONAL AGENCIES WITH HIGH CONCENTRATIONS OF STUDENTS LIVING ON INDIAN LANDS.

''(a) GRANTS AUTHORIZED.—From funds available under section 12008(a), the Secretary shall award grants to local educational agencies to enable the agencies to carry out the authorized activities described in section 12003 and subsection (e).

''(b) ELIGIBILITY.—A local educational agency is eligible for a grant under this section if the number of children determined under section 8003(a)(1)(C) of this Act for that agency constituted at least 50 percent of the number of children who were in average daily attendance at the schools of such agency during the preceding school year.

''(c) ALLOCATION OF FUNDS.—The Secretary shall allocate funds available to carry out this section to eligible local educational agencies based on their respective numbers of children in average daily attendance who are counted under section 8003(a)(1)(C) of this Act.

''(d) APPLICATIONS.—Each eligible local educational agency that desires to receive a grant under this section shall submit an application to the Secretary that includes—

''(1) a statement of how the agency will use the grant funds;

''(2) a description of the steps the agency will take to adequately maintain the facilities that the agency repairs, renovates, or constructs with those funds; and

''(3) such other information and assurances as the Secretary may reasonably require.

''(e) CONSTRUCTION OF NEW SCHOOLS.—In addition to any other activity authorized under section 12003, an eligible local educational agency may use grant funds received under this section to construct a new school if the agency demonstrates to the Secretary's satisfaction that the agency will replace an existing school that is in such poor condition that renovating the school will not be cost-effective.

''SEC. 12005. GRANTS TO HIGH-POVERTY LOCAL EDUCATIONAL AGENCIES.

''(a) GRANTS AUTHORIZED.—From funds available under section 12008(b)(1), the Secretary shall make grants, on a competitive basis, to local educational agencies with poverty rates of 25 percent or greater to enable the agencies to carry out the authorized activities described in section 12003.

''(b) CRITERIA FOR AWARDING GRANTS.—In awarding grants under this section, the Secretary shall consider—

''(1) the poverty rate, the need for school repairs and renovations, and the fiscal capacity of each local educational agency; and

''(2) such other factors as the Secretary determines appropriate.

''(c) APPLICATIONS.—Each eligible local educational agency that desires to receive a grant under this section shall submit an application to the Secretary that includes—

''(1) a description of the agency's urgent need for school repair and renovation and of how the agency will use funds available under this title to meet those needs;

''(2) information on the fiscal effort that the agency is making in support of education and evidence demonstrating that the agency lacks the capacity to meet the agency's urgent school repair and renovation needs without assistance made available under this title;

''(3) a description of the steps the agency will take to adequately maintain the facilities that the agency repairs or renovates with the assistance; and

''(4) such other information and assurances as the Secretary may reasonably require.

''SEC. 12006. SCHOOL RENOVATION GRANTS AND LOANS.

''(a) GRANTS AND LOANS AUTHORIZED.—From funds available under section 12008(b)(2), the Secretary shall make grants, and shall pay the cost of loans made, on a competitive basis, to local educational agencies that lack the ability to fund urgent school repairs without a grant or loan provided under this section to enable the agencies to carry out the authorized activities described in section 12003.

''(b) LOAN PERIOD.—Each loan under this section shall be for a period of 7 years and shall carry an interest rate of 0 percent.

''(c) CRITERIA FOR MAKING LOANS.—In making loans under this section, the Secretary shall consider—

''(1) the extent of poverty, the need for school repairs and renovations, and the fiscal capacity of each applicant; and

''(2) such other factors as the Secretary determines appropriate.

''(d) APPLICATIONS.—Each eligible local educational agency that desires to receive a grant or loan under this section shall submit an application to the Secretary that includes the information described in section 12005(c).

''(e) CREDIT STANDARDS.—In carrying out this section, the Secretary—

''(1) shall not extend credit without finding that there is reasonable assurance of repayment; and

''(2) may use credit enhancement techniques, as appropriate, to reduce the credit risk of loans.

''SEC. 12007. PROGRESS REPORTS.

''The Secretary shall require recipients of grants and loans under this title to submit

progress reports and such other information as the Secretary determines necessary to ensure compliance with this title and to evaluate the impact of activities assisted under this title.

"SEC. 12008. AUTHORIZATION OF APPROPRIATIONS.

''(a) GRANTS UNDER SECTION 12004.—For the purpose of making grants under section 12004, there are authorized to be appropriated $50,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) GRANTS UNDER SECTION 12005 AND GRANTS AND LOANS UNDER SECTION 12006.—For the purpose of making grants under section 12005, and grants and loans under section 12006, there are authorized to be appropriated $1,250,000,000 for fiscal year 2001 and such sums as may be necessary for each of the succeeding 4 years, of which—

''(1) 10 percent shall be available for grants under section 12005; and

''(2) 90 percent shall be available to make grants and to pay the cost of loans under section 12006.

''(c) LIMITATION ON LOAN VOLUME.—Within the available resources and authority, gross obligations for the principal amount of direct loans offered by the Secretary under section 12006 for fiscal year 2001 shall not exceed $7,000,000,000, or the amount specified in an applicable appropriations Act, whichever is greater.

"SEC. 12009. DEFINITIONS.

''For the purpose of this title, the following terms have the following meanings:

''(1) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given that term in section 14101(18)(A) and (B) of this Act.

''(2) PUBLIC SCHOOL FACILITY.—

''(A) IN GENERAL.—The term 'public school facility' means a public building whose primary purpose is the instruction of public elementary or secondary students.

''(B) EXCLUSIONS.—The term excludes athletic stadiums or any other structure or facility intended primarily for athletic exhibitions, contests, games, or events for which admission is charged to the general public.

''(3) REPAIR AND RENOVATION.—The term 'repair and renovation' used with respect to an existing public school facility, means the repair or renovation of the facility without increasing the size of the facility.''.

TITLE XIII—COMPREHENSIVE REGIONAL ASSISTANCE CENTERS

Title XVIII (20 U.S.C. 8601 et seq.) is amended to read as follows:

"TITLE XVIII—COMPREHENSIVE REGIONAL ASSISTANCE CENTERS

"SEC. 13101. PROGRAM AUTHORIZED.

''(a) COMPREHENSIVE REGIONAL ASSISTANCE CENTERS.—

''(1) IN GENERAL.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, public or private nonprofit entities or consortia of such entities in order to establish a networked system of 15 comprehensive regional assistance centers to provide comprehensive training and technical assistance, related to administration and implementation of programs under this Act, to States, local educational agencies, schools, tribes, community-based organizations, and other recipients of funds under this Act.

''(2) CONSIDERATION.—In establishing comprehensive regional assistance centers and allocating resources among the centers, the Secretary shall consider—

''(A) the geographic distribution of students assisted under title I;

''(B) the geographic and linguistic distribution of students of limited-English proficiency;

''(C) the geographic distribution of Indian students;

''(D) the special needs of students living in urban and rural areas; and

''(E) the special needs of States and outlying areas in geographic isolation.

''(3) SPECIAL RULE.—The Secretary shall establish 1 comprehensive regional assistance center under this section in Hawaii.

''(b) SERVICE TO INDIANS AND ALASKA NATIVES.—The Secretary shall ensure that each comprehensive regional assistance center that serves a region with a significant population of Indian or Alaska Native students shall—

''(1) be awarded to a consortium which includes a tribally controlled community college or other Indian organization; and

''(2) assist in the development and implementation of instructional strategies, methods and materials which address the specific cultural and other needs of Indian or Alaska Native students.

''(c) ACCOUNTABILITY.—To ensure the quality and effectiveness of the networked system of comprehensive regional assistance centers supported under this part, the Secretary shall—

''(1) develop, in consultation with the Assistant Secretary for Elementary and Secondary Education, the Director of Bilingual Education and Minority Languages Affairs, and the Assistant Secretary for Educational Research and Improvement, a set of performance indicators that assesses whether the work of the centers assists in improving teaching and learning under this Act for all children, particularly children at risk of educational failure;

''(2) conduct surveys every two years of populations to be served under this Act to determine if such populations are satisfied with the access to and quality of such services;

''(3) collect, as part of the Department's reviews of programs under this Act, information about the availability and quality of services provided by the centers, and share that information with the centers; and

''(4) take whatever steps are reasonable and necessary to ensure that each center performs its responsibilities in a satisfactory manner, which may include—

''(A) termination of an award under this part (if the Secretary concludes that performance has been unsatisfactory) and the selection of a new center; and

''(B) whatever interim arrangements the Secretary determines are necessary to ensure the satisfactory delivery of services under this part to an affected region.

''(d) DURATION.—Grants, contracts or cooperative agreements under this section shall be awarded for a period of 5 years.

"SEC. 13102. REQUIREMENTS OF COMPREHENSIVE REGIONAL ASSISTANCE CENTERS.

''(a) IN GENERAL.—Each comprehensive regional assistance center established under section 13101(a) shall—

''(1) maintain appropriate staff expertise and provide support, training, and assistance to State educational agencies, tribal divisions of education, local educational agencies, schools, and other grant recipients under this Act, in—

''(A) improving the quality of instruction, curricula, assessments, and other aspects of school reform, supported with funds under title I;

''(B) implementing effective schoolwide programs under section 1114;

''(C) meeting the needs of children served under this Act, including children in high-poverty areas, migratory children, immigrant children, children with limited-English proficiency, neglected or delinquent children, homeless children and youth, Indian children, children with disabilities, and, where applicable, Alaska Native children and Native Hawaiian children;

''(D) implementing high-quality professional development activities for teachers, and where appropriate, administrators, pupil services personnel and other staff;

''(E) improving the quality of bilingual education, including programs that emphasize English and native language proficiency and promote multicultural understanding;

''(F) creating safe and drug-free environments, especially in areas experiencing high levels of drug use and violence in the community and school;

''(G) implementing educational applications of technology;

''(H) coordinating services and programs to meet the needs of students so that students can fully participate in the educational program of the school;

''(I) expanding the involvement and participation of parents in the education of their children;

''(J) reforming schools, school systems, and the governance and management of schools;

''(K) evaluating programs; and

''(L) meeting the special needs of students living in urban and rural areas and the special needs of local educational agencies serving urban and rural areas;

''(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs under this Act with each other, as well as with other Federal, State, and local programs and reforms;

''(3) provide technical assistance using the highest quality and most cost-effective strategies possible;

''(4) coordinate services, work cooperatively, and regularly share information with, the regional educational laboratories, research and development centers, State literacy centers authorized under the National Literacy Act of 1991, and other entities engaged in research, development, dissemination, and technical assistance activities which are supported by the Department as part of a Federal technical assistance system, to provide a broad range of support services to schools in the region while minimizing the duplication of such services;

''(5) work collaboratively with the Department's regional offices;

''(6) consult with representatives of State educational agencies, local educational agencies, and populations served under this Act;

''(7) provide services to States, local educational agencies, tribes, and schools in order to better implement the purposes of this part; and

''(8) provide professional development services to State educational agencies and local educational agencies to increase the capacity of such entities to provide high-quality technical assistance in support of programs under this Act.

''(b) PRIORITY.—Each comprehensive regional assistance center assisted under this part shall give priority to servicing—

''(1) schoolwide programs under section 1114; and

''(2) local educational agencies and Bureau-funded schools with the highest percentages or numbers of children in poverty.

"SEC. 13103. MAINTENANCE OF SERVICE AND APPLICATION REQUIREMENTS.

''(a) MAINTENANCE OF SERVICE.—The Secretary shall ensure that the comprehensive regional assistance centers funded under this part provide technical assistance services that address the needs of educationally disadvantaged students, including students in urban and rural areas, and bilingual, migrant, immigrant, and Indian students, that are at least comparable to the level of such

technical assistance services provided under programs administered by the Secretary on the day preceding the date of enactment of the Improving America's Schools Act of 1994.

''(b) APPLICATION REQUIREMENTS.—Each entity or consortium desiring assistance under this part shall submit an application to the Secretary at such time, in such manner and accompanied by such information, as the Secretary may require. Each such application shall—

''(1) demonstrate how the comprehensive regional assistance center will provide expertise and services in the areas described in section 13102;

''(2) demonstrate how such centers will work to conduct outreach to local educational agencies receiving priority under section 13102;

''(3) demonstrate support from States, local educational agencies and tribes in the area to be served;

''(4) demonstrate how such centers will ensure a fair distribution of services to urban and rural areas; and

''(5) provide such other information as the Secretary may require.

''SEC. 13104. TRANSITION.

''(a) EXTENSION OF PREVIOUS CENTERS.—The Secretary shall, notwithstanding any other provision of law, use funds appropriated under section 13105 to extend or continue contracts and grants for existing comprehensive regional assistance centers assisted under this Act (as such Act was in effect on the day preceding the date of enactment of the Educational Excellence for All Children Act of 2000), and take other necessary steps to ensure a smooth transition of services provided under this part and that such services will not be interrupted, curtailed, or substantially diminished.

''(b) STAFF EXPERTISE.—In planning for the competition for the new comprehensive regional assistance centers under this part, the Secretary may draw on the expertise of staff from existing comprehensive regional assistance centers assisted under this Act prior to the date of enactment of the Educational Excellence for All Children Act of 2000.

''SEC. 13105. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $70,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.''.

TITLE XIV—AMENDMENTS TO OTHER LAWS; REPEALS

PART A—AMENDMENTS TO OTHER LAWS

SEC. 1401. AMENDMENTS TO THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.

(a) POLICY.—Section 721(3) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.; hereinafter referred to in this section as ''the Act'') is amended by striking ''should not be'' and inserting ''is not''.

(b) GRANTS TO STATES FOR STATE AND LOCAL ACTIVITIES.—Section 722 of the Act is amended—

(1) in subsection (c)—

(A) in paragraph (2)(A)—

(i) by inserting ''and'' before ''the Commonwealth of''; and

(ii) by striking ''and Palau (until the effective date of the Compact of Free Association with the Government of Palau),''; and

(B) in paragraph (3)—

(i) by inserting ''and'' before ''the Commonwealth of''; and

(ii) by striking '', or Palau'';

(2) in subsection (e), by adding at the end the following new paragraph:

''(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—In providing a free, appropriate public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth, either in a separate school, or in a separate program within a school, based on such child or youth's status as homeless, except in accordance with section 723(a)(2)(B)(ii).'';

(3) in subsection (f)—

(A) by striking paragraph (1);

(B) by amending paragraph (4) to read as follows:

''(4) collect and transmit to the Secretary, at such time and in such manner as the Secretary may require, such information as the Secretary deems necessary to assess the educational needs of homeless children and youth within the State;'';

(C) by amending paragraph (6) to read as follows:

''(6) in order to improve the provision of comprehensive education and related services to homeless children and youth and their families, coordinate and collaborate with—

''(A) educators, including child development and preschool program personnel;

''(B) providers of services to homeless and runaway children and youth and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth);

''(C) local educational agency liaisons for homeless children and youth; and

''(D) community organizations and groups representing homeless children and youth and their families.''; and

(D) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively; and

(4) in subsection (g)—

(A) by amending paragraph (1)(H) to read as follows:

''(H) contain assurances that—

''(i) State and local educational agencies will adopt policies and practices to ensure that homeless children and youth are not segregated on the basis of their status as homeless or stigmatized; and

''(ii) local educational agencies in which homeless children and youth reside or attend school will—

''(I) post public notice of the educational rights of such children and youth where such children and youth receive services under this Act (such as family shelters, and soup kitchens); and

''(II) designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a liaison for homeless children and youth.'';

(B) by amending paragraph (3)(B) to read as follows:

''(B) In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

''(i) to the extent feasible, keep a homeless child or youth in his or her school of origin, except when doing so is contrary to the wishes of his or her parent or guardian; and

''(ii) provide a written explanation to the homeless child or youth's parent or guardian when the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian.'';

(C) by amending paragraph (6) to read as follows:

''(6) COORDINATION.—(A) Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate the provision of services under this part with local services agencies and other agencies or programs providing services to homeless children and youth and their families, including services and programs funded under the Runaway and Homeless Youth Act.

''(B) Where applicable, each State and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzales National Affordable Housing Act to minimize educational disruption for children and youth who become homeless.

''(C) The coordination required in subparagraphs (A) and (B) shall be designed to—

''(i) ensure that homeless children and youth have access to available education and related support services; and

''(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homeless children and youth.'';

(D) in paragraph (7)(A)—

(i) in the matter before clause (i), by striking out ''local educational agency that receives assistance under this subtitle shall designate a homelessness liaison to ensure that'' and inserting in lieu thereof ''local liaison for homeless children and youth, designated pursuant to subsection (g)(1)(H)(ii)(II), shall ensure that'';

(ii) by amending clause (i) to read as follows:

''(i) homeless children and youth enroll in, and have a full and equal opportunity to succeed in, schools of that agency;'';

(iii) in clause (ii), by striking out the period at the end thereof and inserting in lieu thereof a semicolon and ''and'';

(iv) by adding a new clause (iii) to read as follows:

''(iii) the parents or guardians of homeless children and youth are informed of the education and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.''; and

(v) by adding a new subparagraph (C) to read as follows:

''(C) Local educational agency liaisons for homeless children and youth shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth.''; and

(E) by striking paragraph (9).

(c) LOCAL EDUCATIONAL AGENCY GRANTS.—Section 723 of the Act is amended—

(1) by amending subsection (a)(2) to read as follows:

''(2) SERVICES.—(A) Services under paragraph (1)—

''(i) may be provided through programs on school grounds or at other facilities;

''(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless individuals with non-homeless individuals; and

''(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not replace that program.

''(B) Where services under paragraph (1) are provided on school grounds, schools—

''(i) may use funds under this Act to provide the same services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, subject to the requirements of clause (ii) as applied to such other children and youth; and

''(ii) shall not provide services in settings within a school that segregate homeless children and youths from other children and youths, except as is necessary for short periods of time—

''(I) because of health and safety emergencies; or

''(II) to provide temporary, special, supplementary services to meet the unique needs of homeless children and youth.''; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

(B) by adding a new paragraph (1) to read as follows:

''(1) an assessment of the educational and related needs of homeless children and youth in their district (which may be undertaken as a part of needs assessments for other disadvantaged groups);''; and

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 726, make competitive subgrants to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following new paragraph:

''(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider—

''(A) the applicant's needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet those needs;

''(B) the types, intensity, and coordination of the services to be provided under the program;

''(C) the involvement of parents or guardians;

''(D) the extent to which homeless children and youth will be integrated within the regular education program;

''(E) the quality of the applicant's evaluation plan for the program;

''(F) the extent to which services provided under this subtitle will be coordinated with other available services; and

''(G) such other measures as the State educational agency deems indicative of a high-quality program.''.

(d) COLLECTION AND DISSEMINATION OF INFORMATION; REPORT.—Section 724 of the Act is amended—

(1) by striking subsection (f); and

(2) adding at the end the following new subsections:

''(f) INFORMATION.—(1) From funds appropriated under section 726, the Secretary shall, either directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information on:

''(A) the number and location of homeless children and youth;

''(B) the education and related services such children and youth receive;

''(C) the extent to which such needs are being met; and

''(D) such other data and information as the Secretary deems necessary and relevant to carry out this subtitle.

''(2) The Secretary shall coordinate such collection and dissemination with the other agencies and entities that receive assistance and administer programs under this subtitle.

''(g) REPORT.—Not later than four years after the date of the enactment of the Educational Excellence for All Children Act of 1999, the Secretary shall prepare and submit to the President and appropriate committees of the House of Representatives and the Senate a report on the status of education of homeless youth and children, which may include information on—

''(1) the education of homeless children and youth; and

''(2) the actions of the Department and the effectiveness of the programs supported under this subtitle.''.

(e) Section 726 of the Act is amended to read:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 726. For the purpose of carrying out this subtitle, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.''.

SEC. 1402. AMENDMENTS TO OTHER LAWS.

(a) PERKINS ACT.—Section 116(a) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2326(a)) is amended by striking out paragraph (5).

(b) HIGHER EDUCATION ACT OF 1965.—Section 317(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(10)) is amended by striking out ''9308'' and inserting in lieu thereof ''9306''.

(c) PRO-CHILDREN ACT OF 1994.—The Pro-Children Act of 1994 (20 U.S.C. 6081 et seq.) is amended—

(1) in section 1042(2)—

(A) by striking out ''education''; and

(B) in subparagraph (A)(i), by striking ''or the Secretary of Education''; and

(2) in section 1043—

(A) in subsection (a), by striking ''kindergarten, elementary, or secondary education or''; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) in the heading thereof, by striking ''KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR''; and

(II) by striking out kindergarten, elementary, or secondary education or''; and

(ii) in paragraph (3), by striking out ''kindergarten, elementary, or secondary education or''.

(d) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Section 216 of the Department of Education Organization Act (as added by Public Law 103–227) (20 U.S.C. 3425) is amended—

(1) in subsection (a), by striking ''Director'' each place the term appears and inserting ''Assistant Secretary'';

(2) in subsection (b), by striking ''Director'' each place the term appears and inserting ''Assistant Secretary'';

(3) in subsection (c), by striking ''Director'' and inserting ''Assistant Secretary''; and

(4) by redesignating such section (as so amended) as section 218 of such Act.

PART B—REPEALS

SEC. 1411. REPEALS.

The Goals 2000: Educate America Act (Public Law 103–227) is amended—

(1) by repealing titles I, II, III, IV, VII, and VIII; and

(2) in title X, by repealing part B.

AKAKA AMENDMENT NO. 3112

(Ordered to lie on the table.)

Mr. AKAKA submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

On page 721, between lines 12 and 13, insert the following:

(d) CHILDREN WITH DISABILITIES.—Section 8003(d) (20 U.S.C. 7703(d)) is amended—

(1) in paragraph (1), by inserting after ''educational agency,'' the following: '', and each State agency designated as the lead State agency under part C of the Individuals with Disabilities Education Act that is determined to be eligible by the Secretary,''; and

(2) in paragraph (2), by inserting '', or State agency referred to in paragraph (1),'' after ''agency''.

On page 721, line 13, strike ''(d)'' and insert ''(e)''.

On page 722, line 21, strike ''(e)'' and insert ''(f)''.

VOINOVICH AMENDMENT NO. 3113

(Ordered to lie on the table.)

Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

At the end of title X, insert the following:

SEC. ___. INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Title X (20 U.S.C. 6301 et seq.) is amended by adding at the end the following:

''PART F—INDIVIDUALS WITH DISABILITIES EDUCATION ACT

''SEC. 10601. INDIVIDUALS WITH DISABILITIES EDUCATION ACT FUNDING.

''(a) SHORT TITLE.—This section may be cited as the 'State and Local Educators Empowerment Act'.

''(b) PURPOSE.—The purpose of this section is to authorize local education leaders to fund selected programs by giving such leaders the flexibility to spend education dollars on programs under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(c) FINDINGS.—Congress makes the following findings:

''(1) All children deserve a quality education, including children with disabilities.

''(2) Programs implemented under the Individuals with Disabilities Education Act have been successful in enabling children with disabilities to participate more fully in mainstream schools.

''(3) The Individuals with Disabilities Education Act provides that the Federal Government and State and local governments are to share in the expense of educating children with disabilities and commits the Federal Government to provide funds to assist with the expenses of educating children with disabilities.

''(4) The amount of Federal money spent on education programs continues to grow at an enormous rate from $21,000,000,000 in 1991 to more than $35,000,000,000 in 2000.

''(5) The cost of educating a child with special educational needs is far greater than the cost of educating a child without such needs.

''(6) The Individuals with Disabilities Education Act represents a commitment by the Federal Government to fund 40 percent of the average per-pupil expenditure on special education in public elementary and secondary schools in the United States.

''(7) Education leaders throughout the Nation support honoring the commitment in the Individuals with Disabilities Education Act to fully fund programs carried out under such Act.

''(8) To date, the Federal Government has never contributed more than 12.6 percent of the national average per pupil expenditure to assist with the expenses of educating children with disabilities under the Individuals with Disabilities Education Act.

''(9) Failing to meet the Federal Government's commitment to assist with the expense of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a quality education.

''(10) The failure of the Federal Government to provide full funding for programs under the Individuals with Disabilities Education Act results in placing a great burden on the States by creating an unfunded mandate.

''(11) The mandate impedes the ability of State and local education leaders to fund their own education priorities, such as hiring new teachers, building schools, providing after-school programs, improving technology and training in schools, and creating community learning centers.

''(d) INDIVIDUALS WITH DISABILITIES EDUCATION ACT FUNDING.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, a local educational agency may use funds—

''(A) made available to the local educational agency under this Act (other than under title I) pursuant to a State grant program established on or after the date of enactment of the Educational Opportunities Act, or

''(B) made available to the local educational agency under this Act (other than under title I) pursuant to a State grant program that is in excess of the amount made available to the local educational agency under the State program for fiscal year 2000, to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(2) STATE GRANT PROGRAM.—In this part, the term 'State grant program' means any program carried out under this Act (other than under title I) in which the Secretary awards grants to States on a discretionary basis or on the basis of a formula. Such term does not include a program under this Act in which the Secretary awards grants to States on a competitive basis or in which the State awards grants to local educational agencies on a competitive basis.''.

SANTORUM AMENDMENT NO. 3114

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

On page 532, line 3, strike the end quotation marks and the second period and insert the following:

''PART ____—NATIONAL CLEARINGHOUSE FOR YOUTH ENTREPRENEURSHIP EDUCATION

''SEC. ____1. NATIONAL CLEARINGHOUSE FOR YOUTH ENTREPRENEURSHIP EDUCATION.

''(a) PROGRAM AUTHORIZED.—The Secretary may award a grant or contract to an organization or institution with substantial experience in curriculum-based entrepreneurship education to establish a national clearinghouse for youth entrepreneurship education. The clearinghouse shall facilitate professional development opportunities for teachers, stimulate community partnerships with businesses, youth agencies, and nonprofit entities (including faith-based, non-profit, and other local organizations), collect and disseminate curricular materials, and undertake other activities, to encourage teacher interest and involvement in entrepreneurship education, especially for students in grades 7 through 12.

''(b) FUNDING.—The Secretary shall make available $500,000 from funds otherwise available to the Department of Education for administrative expenses, to carry out this section for each of fiscal years 2001 through 2003.

''SEC. ____2. USE OF FUNDS FROM OTHER PROGRAMS FOR YOUTH ENTREPRENEURSHIP.

''(a) IN GENERAL.—The Secretary may use funds made available under any of the provisions described in subsection (b) to award grants and contracts to organizations and institutions with demonstrated records of empowering disadvantaged youth by teaching the youth applied math, entrepreneurial, and other analytical skills, to enable the organizations and institutions to carry out curriculum-based youth entrepreneurship education programs.

''(b) COVERED PROVISIONS.—The provisions referred to in subsection (a) are—

''(1) subparts 1 and 2 of part D, and part E, of title I;

''(2) subparts 1, 2, and 4 of part A, and part B, of title III;

''(3) subparts 1 and 2 of part A of title IV;

''(4) parts B and C of title VI; and

''(5) part A, and subparts 1 and 2 of part J, of title X.''.

BOXER AMENDMENTS NOS. 3115–3116

(Ordered to lie on the table.)

Mrs. BOXER submitted two amendments intended to be proposed by her to the bill, S. 2, supra; as follows:

AMENDMENT NO. 3115

Beginning on page 250, strike line 9 and all that follows through line 14 on page 254, and insert the following:

''SEC. 3103. PROGRAM AUTHORIZATION.

''(a) GRANTS BY THE SECRETARY TO LOCAL EDUCATIONAL AGENCIES FOR SCHOOLS.—The Secretary is authorized, in accordance with the provisions of this part, to award grants to local educational agencies for the support of public elementary schools or secondary schools, including middle schools, that serve communities with substantial needs for expanded learning opportunities for children and youth in the communities, to enable the schools to establish or expand projects that benefit the educational, health, social service, cultural, and recreational needs of communities.

''(b) EQUITABLE DISTRIBUTION.—In awarding grants under this part, the Secretary shall assure an equitable distribution of assistance among the States and among urban and rural areas of the United States.

''(c) GRANT PERIOD.—The Secretary shall award grants under this part for a period not to exceed 5 years.

''(d) AMOUNT.—The Secretary shall not award a grant under this part in any fiscal year in an amount less than $35,000.

''SEC. 3104. APPLICATION REQUIRED.

''(a) APPLICATION.—To be eligible to receive a grant under this part, a local educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably prescribe.

''(b) CONTENTS OF APPLICATION.—Each application under subsection (a) shall include—

''(1) a comprehensive local plan that enables the school to serve as a center for the delivery of education and human resources for members of a community;

''(2) an evaluation of the needs, available resources, and goals and objectives for the proposed project in order to determine which activities will be undertaken to address such needs;

''(3) a description of the proposed project, including—

''(A) a description of the mechanism that will be used to disseminate information in a manner that is understandable and accessible to the community;

''(B) identification of Federal, State, and local programs to be merged or coordinated so that public resources may be maximized, including programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

''(C) a description of the collaborative efforts to be undertaken by community-based organizations, related public agencies, students, parents, teachers, school administrators, local government, including law enforcement organizations such as Police Athletic and Activity Leagues, businesses, or other appropriate organizations;

''(D) a description of how the school will serve as a delivery center for existing and new services, especially for interactive telecommunication used for education and professional training; and

''(E) an assurance that the school will establish a facility utilization policy that specifically states—

''(i) the rules and regulations applicable to building and equipment use; and

''(ii) supervision guidelines;

''(4) information demonstrating that the local educational agency will—

''(A) provide not less than 35 percent of the annual cost of the activities assisted under the project from sources other than funds provided under this part, which contribution may be provided in cash or in kind, fairly evaluated; and

''(B) provide not more than 25 percent of the annual cost of the activities assisted under the project from funds provided by the Secretary under other Federal programs that permit the use of those other funds for activities assisted under the project; and

''(5) an assurance that the local educational agency, in each year of the project, will maintain the agency's fiscal effort, from non-Federal sources, from the preceding fiscal year for the activities the local educational agency provides with funds provided under this part.

''(b) PRIORITY.—The Secretary shall give priority to applications describing projects that offer a broad selection of services which address the needs of the community.

''SEC. 3105. USES OF FUNDS.

''(a) IN GENERAL.—Grants awarded under this part may be used to establish or expand community learning centers. The centers may provide 1 or more of the following activities:

''(1) Literacy education programs.

''(2) Senior citizen programs.

''(3) Children's day care services.

''(4) Integrated education, health, social service, recreational, or cultural programs.

''(5) Summer and weekend school programs in conjunction with recreation programs.

''(6) Nutrition and health programs.

''(7) Expanded library service hours to serve community needs.

''(8) Telecommunications and technology education programs for individuals of all ages.

''(9) Parenting skills education programs.

''(10) Support and training for child day care providers.

''(11) Employment counseling, training, and placement, and job skills preparation.

''(12) Services for individuals who leave school before graduating from secondary school, regardless of the age of such individual.

''(13) Services for individuals with disabilities.

''(14) After school programs, that—

''(A) shall include at least 2 of the following—

''(i) mentoring programs;

''(ii) academic assistance;

''(iii) recreational activities; or

''(iv) technology training; and

''(B) may include—

''(i) drug, alcohol, and gang prevention activities;

''(ii) health and nutrition counseling; and

''(iii) job skills preparation activities.

''(b) LIMITATION.—Not less than ⅔ of the amount appropriated under section 10907 for each fiscal year shall be used for after school programs, as described in paragraph (14). Such programs may also include activities described in paragraphs (1) through (13) that

offer expanded opportunities for children or youth.

''(c) ADMINISTRATION.—In carrying out the activities described in subsection (a), a local educational agency or school shall, to the greatest extent practicable—

''(1) request volunteers from business and academic communities, and law enforcement organizations, such as Police Athletic and Activity Leagues, to serve as mentors or to assist in other ways;

''(2) ensure that youth in the local community participate in designing the after school activities;

''(3) develop creative methods of conducting outreach to youth in the community;

''(4) request donations of computer equipment and other materials and equipment; and

''(5) work with State and local park and recreation agencies so that activities carried out by the agencies prior to the date of enactment of this subsection are not duplicated by activities assisted under this part.''.

''SEC. 3106. DEFINITION.

''For the purpose of this part, the term 'community learning center' means an entity within a public elementary or secondary school building that—

''(1) provides educational, recreational, health, and social service programs for residents of all ages within a local community; and

''(2) is operated by a local educational agency in conjunction with local governmental agencies, including law enforcement organizations such as the Police Athletic and Activity League, businesses, vocational education programs, institutions of higher education, community colleges, and cultural, recreational, and other community and human service entities.

''SEC. 3107. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $1,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.

AMENDMENT NO. 3116

On page 254, line 11, strike ''$500,000,000'' and insert ''$1,000,000,000''.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, May 16, 2000, at 3 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct general oversight on the U.S. Forest Service's proposed transportation policy.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey (202) 224–2878.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Wednesday, May 24, 2000, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 2163, a bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; S. 2396, a bill to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2248, a bill to assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; S. 2410, a bill to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978, and for other purposes; and S. 2425, a bill to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirsken Senate Office Building, Washington, DC 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 3 p.m., on Wednesday, May 3, 2000, in executive session, to mark up the fiscal year 2001 Defense authorization bill.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 3, 2000, at 9:30 a.m. on the Boston Central Artery Tunnel.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, May 3, 2000, at 2 p.m., to mark up pending legislation. The meeting will be held in the committee room, 485 Russell Senate Building.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, May 3, 2000, at 9:30 a.m., to receive testimony on political speech on the Internet.

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

JOINT COMMITTEE ON TAXATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Joint Committee on Taxation be authorized to meet during the session of the Senate on Wednesday, May 3, 2000, to hear testimony on Joint Review of the Strategic Plans and Budget of the IRS.

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

SUBCOMMITTEE ON AIRLAND FORCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet at 11 a.m., on Wednesday, May 3, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

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

SUBCOMMITTEE ON SEAPOWER

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 2 p.m., on Wednesday, May 3, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet at 9:30 a.m., on Wednesday, May 3, 2000, in Executive Session, to mark up the FY 2001 Defense authorization bill.

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

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Laura Chow, a legislative fellow in my office, be granted floor privileges during the entire debate on the Elementary and Secondary Education Act.

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

Mr. DODD. I ask unanimous consent for floor privileges for three individuals on Senate bill 2: Kathy Hogan-

Bruen, Meredith Miller, and Shannon Faltens.

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

Mrs. MURRAY. Mr. President, I ask unanimous consent that Ann Ifekwunigwe, a fellow of my office, be granted the privilege of the floor for the entire ESEA debate.

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

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Matthew Lyon, a fellow with the Committee on Health, Education, Labor, and Pensions, be afforded floor privileges during the consideration of S. 2, the Educational Opportunities Act, and during any votes in relation thereto.

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

Mr. JEFFORDS. Mr. President, on behalf of Senator HATCH, I ask unanimous consent that Becky Shipp of Senator HATCH's staff and Jeff Taylor, a detailee from the Justice Department on the Judiciary Committee, be accorded the privileges of the floor during consideration of S. 2, the Education Opportunities Act, and during votes in relation to the bill.

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

ORDERS FOR THURSDAY, MAY 4, 2000

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until the hour of 9:45 a.m. on Thursday, May 4. I further ask consent that on Thursday, 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 resume consideration of S. 2 under the previous order.

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

PROGRAM

Mr. JEFFORDS. Mr. President, for the information of all Senators, at 9:45 a.m. the Senate will resume consideration of the Elementary and Secondary Education Act, with debate on the Abraham-Mack merit pay amendment to begin immediately. Following the consideration of that amendment, Senator MURRAY will be recognized to offer her amendment regarding class size. Votes are expected throughout the day. As usual, Senators will be notified as these votes are scheduled. As a reminder, the Senate will not meet on Friday in order to accommodate the Democratic retreat.

ORDER FOR ADJOURNMENT

Mr. JEFFORDS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senators BYRD and GRASSLEY.

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

The Senator from West Virginia is recognized under the previous order.

MIKE EPSTEIN

Mr. BYRD. Mr. President:

God hath not promised
Skies always blue
Flower-strewn pathways
All our lives through;
God hath not promised
Sun without rain,
Joy without sorrow,
Peace without pain.

But God hath promised
Strength for the day,
Rest for the laborer,
And light on the way,
Grace for the trials,
Help from above,
Unfailing sympathy
And undying love.

Mr. President, I have quoted this bit of poetry because I am thinking of Mike Epstein, Senator WELLSTONE's long serving legislative director. Mike Epstein, I heard only yesterday, is gravely ill. I know that he is facing this news with the same gallant, noble, straightforward courage that has marked his entire life. I know because I employed him as a member of the Democratic Policy Committee staff when I was the majority leader of the Senate, and I have seen him in action. I have seen him at work many times.

Mike is a man of lively humor, great heart, idealistic vision, and pragmatic understanding. Despite many years on Capitol Hill, he has never lost his sense of purpose in public service. He has never lost his desire to make the world a better place in which to live. At the same time, he has accumulated the political savvy and acumen to rapidly size up a piece of legislation, weigh its strengths and weigh its weaknesses, and then deliver a succinct analysis on the spot. He has been a fixture on the Democratic bench during debate on many bills.

It seems it was only yesterday that I saw him back here on this bench. I always made it a point to speak to Mike as I went by. It may have been a week ago, it may have been 2 weeks ago, perhaps it was 3 weeks ago, but he was there. And, as I say, just like always, it was as though it was only a few hours ago.

He has shepherded a generation of inexperienced legislative assistants through the arcane minuet of amendment trees, tabling motions, and cloture votes. In this respect, as in so many others, Mike has been outstanding in his commitment to the Senate, to its traditions, and in giving one's best to the Nation. What more can one do?

The Senate is, in many ways, Mike's enduring passion. Legislation is his obsession. He was a ''policy wonk'' before that phrase was ever coined. His friends are legion in both parties, and outside the Senate as well as inside the Senate, and outside both parties as well.

Senator WELLSTONE and his staff are part of Mike's extended Senate family. I know that everyone is shocked, just as I was shocked yesterday, at this unexpected news and that all my colleagues join me in offering Mike strength and comfort.

It brings home the memory of that scriptural passage which says:

Man that is born of a woman is of few days, and full of trouble.

He cometh forth like a flower, and is cut down: he fleeth also as a shadow, and continueth not.

Seneca once observed that ''there is nothing in the world so much admired as a man who knows how to bear unhappiness with courage.'' As he bravely faces his toughest battle, Mike Epstein offers to each of us something further to admire and to cherish.

So tonight I shall go home, remembering Mike, sitting back there on that bench, looking at me, smiling.

I close with a short verse by Spencer Michael Free, ''The Human Touch,'' which I believe best captures the warm and caring legacy of Mike Epstein's long and faithful service to the Senate:

'Tis the human touch in this world that counts,
The touch of your hand and mine,
Which means far more to the fainting heart
Than shelter and bread and wine;
For shelter is gone when the night is o'er,
And bread lasts only a day,
But the touch of the hand and the sound of the voice
Sing on in the soul alway[s].

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until the hour of 9:45 a.m. tomorrow.

Thereupon, the Senate, at 7:03 p.m., adjourned until Thursday, May 4, 2000, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate May 3, 2000:

CORPORATION FOR PUBLIC BROADCASTING

KATHERINE MILNER ANDERSON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2006. (REAPPOINTMENT)

DEPARTMENT OF ENERGY

GENERAL JOHN A. GORDON, UNITED STATES AIR FORCE, TO BE UNDER SECRETARY FOR NUCLEAR SECURITY, DEPARTMENT OF ENERGY. (NEW POSITION)

BROADCASTING BOARD OF GOVERNORS

MARC B. NATHANSON, OF CALIFORNIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2001. (REAPPOINTMENT)

MARC B. NATHANSON, OF CALIFORNIA, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS. (NEW POSITION)

MERIT SYSTEMS PROTECTION BOARD

BARBARA J. SAPIN, OF MARYLAND, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2007, VICE BENJAMIN LEADER ERDERICH, RESIGNED.

THE JUDICIARY

DENNIS M. CAVANAUGH, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE ALFRED M. WOLIN, RETIRING.