

Hastings Kennedy Kennelly
McDermott Synar Washington
Waters Wilson

So the amendment was agreed to.
After some further time,

13.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendments en bloc, as modified, submitted by Mr. ARMEY:

On page 218, line 14, insert "public" before "schools" and strike "under the jurisdiction of the agency".

On page 218, line 16, after "assigned." insert the following new sentence:

"Nothing in this subsection shall be construed to require the certification or regulation of teachers in any private, religious, or home school."

On page 735, line 6, insert "institutional" after "nonprofit".

On page 737, line 13, insert "institutional" after "nonprofit".

On page 762, line 9, insert the following new section and redesignate subsequent sections accordingly:

SEC. 9508. GENERAL PROVISION REGARDING NON-RECIPIENT NONPUBLIC SCHOOLS.

"Nothing in this Act shall be construed to permit, allow, encourage, or authorize any federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious or home schools from participation in programs or services under the Act."

It was decided in the affirmative Yeas 374 Nays 53

13.8 [Roll No. 32] AYES—374

- Allard Andrews (ME) Andrews (NJ) Applegate Archer Armeey Bacchus (FL) Bachus (AL) Baesler Baker (CA) Baker (LA) Ballenger Barca Barcia Barlow Barrett (NE) Barrett (WI) Bartlett Barton Bateman Beilenson Bentley Bereuter Berman Bevill Bilbray Bilirakis Bishop Biley Blute Boehlert Boehner Bonilla Bonior Borski Boucher Brewster Brooks Browder Brown (CA) Brown (FL) Brown (OH) Bryant Bunning Burton Buyer

- Gutierrez Hall (OH) Hall (TX) Hamilton Hancock Hansen Harman Hastert Hayes Hefley Hefner Herger Hinchey Hoagland Hobson Hochbrueckner Hoekstra Hoke Holden Horn Houghton Hoyer Huffington Hughes Hunter Hutchinson Hutto Hyde Inglis Inhofe Inslee Istook Jacobs Jefferson Johnson (CT) Johnson (GA) Johnson (SD) Johnson, E. B. Johnson, Sam Kanjorski Kaptur Kasich Kim King Kingston Klecicka Klein Klink Klug Knollenberg Kolbe Kreidler Kyl LaFalce Lambert Lancaster Lantos LaRocco Lazio Leach Lehman Lewis (CA) Lewis (FL) Lightfoot Linder Lipinski Livingston Lloyd Long Lowey Machtley Maloney Mann Manton Manzullo Margolies-Mezvinsky Markey

NOES—53

- Abercrombie Ackerman Becerra Blackwell Carr Clay Collins (IL) Collins (MI) Conyers Coyne de Lugo (VI) Dellums Dingell Edwards (CA) Foglietta Ford (MI) Frank (MA) Gonzalez

- Martinez Mazzoli McCandless McCloskey McCollum McCrery McCurdy McDade McHale McHugh McInnis McKeon McKinney McMillan McNulty Meehan Menendez Meyers Mfume Mica Michel Miller (FL) Minge Moakley Molinari Mollohan Montgomery Moorhead Morella Murphy Myers Neal (MA) Neal (NC) Nussle Oberstar Obey Ortiz Orton Oxley Packard Pallone Parker Pastor Paxon Payne (VA) Pelosi Penny Peterson (FL) Peterson (MN) Petri Pickett Pickle Pombo Pomeroy Porter Portman Poshard Price (NC) Pryce (OH) Quillen Quinn Rahall Ramstad Ravelen Reed Regula Richardson Ridge Roberts Roemer Rogers Rohrabacher Ros-Lehtinen Rose Rostenkowski Roth Young (FL) Zelfiff Zimmer

- Payne (NJ) Rangel Reynolds Romero-Barcelo (PR) Roybal-Allard Sawyer Stark Stokes Swift Towns Unsoeld Velazquez Vento Visclosky Waters Watt Yates

NOT VOTING—12

- Andrews (TX) Kennedy Rush Gejdenson Kennelly Synar Green Laughlin Washington Hastings Murtha Wilson

So the amendments en bloc, as modified, were agreed to.

After some further time,

13.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendments en bloc, as modified, submitted by Mr. KILDEE:

Page 5, amend the heading for part E of title II of the Elementary and Secondary Education Act of 1965 in the table of contents as follows:

"PART E—INNOVATIVE EDUCATION PROGRAM STRATEGIES".

Page 8, in the item relating to title V, strike:

"TITLE V—MAGNET SCHOOLS ASSISTANCE "PART A—PROMOTING EQUITY"

and insert

"TITLE V—PROMOTING EQUITY "PART A—MAGNET SCHOOLS ASSISTANCE"

Page 15, in the item relating to section 501, strike "study" and insert "evaluation".

Page 37, strike lines 8 through 11 (and redesignate any subsequent paragraphs accordingly).

Page 37, line 23, strike "and revision".

Page 37, after line 23, insert the following (and redesignate any subsequent paragraphs accordingly):

"(2) shall appoint individuals to the peer review process who shall be representative of State educational agencies, local educational agencies, teachers, and parents;"

Page 52, line 19, after "1117" insert "(c)(1) and (e)".

Page 52, line 20, after "system" insert "", together with other providers of assistance with which the State has made specific arrangements to assist schoolwide programs, such as comprehensive technical assistance centers, regional laboratories, and institutions of higher education,"

Page 52, line 22, strike "including" and all that follows through "team" on line 24.

Page 56, line 18, after "local educational agency" insert "and its school support team or other technical assistance provider consistent with the provisions in subsections (c)(1) and (e) of section 1117".

Page 59, strike lines 8 through 14 and insert the following:

identification shall be subject to corrective actions by the local educational agency, as well as, where appropriate, termination of schoolwide program status.

"(3) A school that has forfeited its schoolwide status may not regain such status until the local educational agency determines that the school has adequately reformed its schoolwide program plan to enable it to make adequate progress toward meeting the State's challenging performance standards.

Page 70, line 16, strike "; and" and insert a comma.

Page 70, line 18, before the period insert "", and in the case of schoolwide programs, terminating schoolwide status".

Page 72, line 20, strike "standards." and insert "standards, and submit such plan to the State educational agency for approval."

Page 188, line 21, strike "and middle schools" and insert "", middle schools, and secondary schools".

Page 311, strike line 20 and insert the following:

"PART E—INNOVATIVE EDUCATION PROGRAM STRATEGIES".

Page 312, line 8, strike "Goals 2000" and insert "Goals 2000: Educate America Act".

Page 313, beginning on line 25, strike "the Trust Territory of the Pacific Islands".

Page 314, line 1, insert "and Palau (until the effective date of the Compact of Free Association with the Government of Palau)," after "the Northern Mariana Islands,".

Page 319, line 19, strike "chapter" and insert "part".

Page 322, line 15, after "local" insert "educational".

Page 445, strike lines 7 through 9 and insert the following:

**"TITLE V—PROMOTING EQUITY
"PART A—MAGNET SCHOOLS ASSISTANCE".**

Page 757, line 5, strike "and".

Page 757, line 6, insert the following (and redesignate any subsequent subparagraphs accordingly):

"(B) Subpart 1 of part B and part C of title II; and".

Page 802, strike lines 14 through 25.

Page 898, line 12, strike "Study" and insert "Evaluation".

Page 898, line 14, strike "In addition to" and insert "In collaboration with".

Page 898, line 17, strike "study" and insert "evaluation".

Page 898, line 21, strike "study" and insert "evaluation".

Page 898, line 25, strike "study" and insert "evaluation".

Page 899, line 2, after "Opportunities Act" insert "and shall be coordinated with evaluations of such acts".

Page 899, line 3, strike "study" and insert "evaluation".

Page 899, line 13, strike "study" and insert "evaluation".

Page 899, line 20, strike "to such" and insert "with such".

Page 900, line 3, strike "study" and insert "evaluation".

Page 900, line 11, strike "study" and insert "evaluation".

Page 900, line 17, strike "study" and insert "evaluation".

Page 900, line 19, after "report." insert "The panel shall not be subject to the Federal Advisory Committee Act."

Page 901, strike lines 2 through 4 and insert the following: "Any authority or requirement to make funds available under this Act shall be effective only to the extent provided in appropriation Acts."

Strike out part G of title VI of the Elementary and Secondary Education Act of 1965, as proposed to be added by the amendment made by section 101 of the bill (page 519, line 8 through page 617, line 24).

Page 875, after line 20, insert the following:

PART F—AMENDMENTS TO STATUTES PERTAINING TO INDIAN EDUCATION

SEC. 351. BUREAU OF INDIAN AFFAIRS.

Part B of title XI of Public Law 95-561 (25 U.S.C. 2001 et seq.) is amended to read as follows:

Page 875, after line 20, insert the text set out in the bill as part G of title VI of the Elementary and Secondary Education Act of 1965 (page 519, line 8 through page 617, line 24) and redesignate that part as part B, redesignate the sections in that part so as to begin with section 1121, and revise cross references to those sections accordingly.

Page 875, after line 20, insert the following:

SEC. 352. APPLICATION WITH RESPECT TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

Section 5209(a) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508(a)) is amended to read as follows:

"(a) CERTAIN PROVISIONS TO APPLY TO GRANTS.—All provisions of section 5, 6, 7, 104,

105(f), 109, and 111 of the Indian Self-Determination and Education Assistance Act, except those provisions relating to indirect costs and length of contract, shall apply to grants provided under this part."

SEC. 353. PAYMENTS.

Section 5209(e) of Public Law 100-297, the Tribally Controlled Schools Act of 1988, is amended—

(1) by striking "the amount of the grant under section 5205 (and the amount of funds referred to in that section), any payments to be made under section 5208 of this Act," and inserting in lieu thereof: "a grant authorized to be made pursuant to this part or any amendment to such grant";

(2) by striking "the amount of, or payment of, the administrative grant" and inserting in lieu thereof "an administrative cost grant"; and

(3) by adding at the end thereof "and the Equal Access to Justice Act shall apply to administrative appeals filed after January 1, 1994, by grantees regarding the Tribally Controlled Schools Grant and Administrative Cost Grants."

SEC. 354. ENDOWMENT FUNDS.

Section 302 of Public Law 95-471, the Tribally Controlled Community Colleges Assistance Act of 1978, is amended—

(1) in subsection (a), by striking "section 333" and inserting in lieu thereof "section 331";

(2) in subsection (b), by deleting paragraph (1) and inserting in lieu thereof the following:

"(1) provides for the investment and maintenance of funds covered by such endowment account under the same conditions and limitations as are in section 331 of the Higher Education Act and the regulations implementing such provisions in effect at the time such funds are invested;

(3) in subsection (b)(3) by striking "same" the first time it appears.

SEC. 355. HIGHER EDUCATION AMENDMENTS OF 1992.

Section 1518 of title XV of the Higher Education Amendments of 1992 (relating to the Santa Fe Arts Institute) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(6) For the purpose of complying with the contribution requirement in this subsection, the Institute may use funds or in-kind contributions of real or personal property. For the purposes of this paragraph, all contributions, in-kind and real estate, which are on hand as of November 29, 1990, and which were received after June 2, 1988, but which have not been included in their entirety in computations under this section shall be eligible for matching with Federal funds appropriated in any year."; and

(2) in subsection (c), by striking paragraph (1) and inserting in lieu thereof the following:

"(1) Funds in the trust funds described in subsections (a) and (b) shall be invested under the same conditions and limitations as are in section 331 of the Higher Education Act, and the regulations implementing such provisions in effect at the time such funds are invested."

Page 738, line 8, insert the following:

"SEC. 9104. APPLICABILITY TO BUREAU OF INDIAN AFFAIRS OPERATED SCHOOLS.

"For purposes of any competitive program under this Act, the Bureau of Indian Affairs may apply on behalf of the schools which it operates and it shall be subject to all program and application requirements of the program for which it applies."

Page 486, strike line 24 and all that follows through page 487, line 21 and insert the following:

"(f)(1)(A) The Secretary shall conduct a monitoring and evaluation review of a sam-

pling of the recipients of grants under this part each fiscal year, such sampling to take into account size of the recipient and geographic location. The purpose of the sampling shall be to provide the Secretary with such information as is necessary to assist the Secretary in carrying out his or her responsibility to provide technical assistance under this part."

Page 491, strike line 13 and all that follows through page 500, line 2, and insert the following:

"SEC. 6201. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

"(a) PURPOSE; COORDINATION.—(1) It is the purpose of this section to support projects that are to develop, text, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

"(2) The Secretary shall take such steps as are necessary to achieve coordination of projects funded under this part with other programs funded under this Act and with other Federal programs operated for the benefit of American Indian and Alaska Native children.

"(b) ELIGIBLE APPLICANTS.—State educational agencies, local educational agencies, Indian tribes, Indian organizations, federally supported elementary and secondary schools for Indian students, Indian institutions, including Indian institutions of higher education, and consortia thereof may apply for grants under this section.

"(c) AUTHORIZED PROJECTS AND ACTIVITIES.—Recipients of grants under this section shall use the grant funds to carry out projects and activities that meet the purpose of this section, such as—

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) educational services not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in 1 or more of the core curriculum areas of English, mathematics, science, foreign languages, art, history, and geography;

"(3) bilingual and bicultural programs and projects;

"(4) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children;

"(5) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school and to increase the rate of high school graduation;

"(6) comprehensive guidance, counseling, and testing services;

"(7) early childhood and kindergarten programs, including family based preschool programs that emphasize school readiness and parental skills, and services to Indian children with disabilities;

"(8) partnership projects between local educational agencies and institutions of higher education that allow high school students to enroll in courses at the postsecondary level to aid them in the transition from high school to postsecondary education;

"(9) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills they need to make an effective transition from school to a first job in a high-skill, high-wage career;

"(10) programs designed to encourage and assist Indian student to work toward, and gain entrance into, institutions of higher education; and

"(11) other services which meet the needs of this section.

Preservice or in-service training of professional and paraprofessional personnel may be a part of any program authorized under this section.

“(d) GRANTS AND APPLICATIONS.—

“(1) GRANTS.—(A) The Secretary may make grants under this section for up to 5 years. Grants may be made for the planning, development, pilot operation, or demonstration of any activity authorized under this section, with priority given to those applications which present a plan for combining 2 or more of these operations over a multiyear period. The Secretary shall make such multiyear grants subject to the conditions included below and shall provide continuation funding for each fiscal year upon a positive determination that the applicant has made substantial progress in carrying out the operations covered under each grant period, as set forth in the initial grant and any subsequent modifications.”

“(B) The Secretary is also authorized to make dissemination grants. Prior to making any such dissemination grant, the Secretary shall make a finding that the material or program to be disseminated has been adequately reviewed and has shown (i) educational merit, and (ii) an ability to be replicated.

“(2) APPLICATIONS.—(A) Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

“(B) Each application shall contain—

“(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the project for which assistance is sought;

“(ii) as assurance that the applicant will participate, at the request of the Secretary, in any national evaluation of projects under this section; and

“(iii) such other assurances and information as the Secretary may reasonably require.

“SEC. 6202. PROFESSIONAL DEVELOPMENT.

“(a) PURPOSE.—The purpose of this section is to increase the number of qualified Indian persons in professions serving Indian people, and to provide training as teachers, administrators, teacher aides, social workers, and ancillary educational personnel, and to improve the skills of those presently serving in these capacities.

“(b) ELIGIBLE APPLICANTS.—Eligible applicants under this section are—

“(1) institutions of higher education, including Indian institutions of higher education;

“(2) State and local educational agencies, in consortium with institutions of higher education; and

“(3) Indian tribes and organizations, in consortium with institutions of higher education.

“(c) AUTHORIZED PROJECTS AND ACTIVITIES.—(1) Each recipient of a grant under this section shall use the grant funds to provide support and training for Indian persons, consistent with the purposes of this section. Such activities may include, but are not limited to, a continuing program, symposia, workshops, conferences, and direct financial support.

“(2)(A) For education personnel, such training may be in-service or preservice.

“(B) For those being trained in other fields, such training shall be in programs that result in graduate degrees.

“(3) In programs funded under this section, preference shall be given to the training of Indians.

“(4) In making grants under this section, the Secretary shall consider prior performance and may not limit eligibility on the

basis of the number of previous grants or the length of time for which the applicant has received grants.

“(d) PROJECT PERIOD.—The project period for each project approved under this section shall be up to 5 years.

“(e) SERVICE OBLIGATION.—The Secretary shall, by regulation, require that individuals who receive training under this section perform related work which benefits Indian people or repay all or a prorated part of the support received. The Secretary shall establish by regulation a mechanism for having the recipient provide information of compliance with this requirement beginning within 12 months of the completion of training received.”

Page 501, strike line 21 and all that follows through page 502, line 2 and insert the following:

“(e) SERVICE OBLIGATION.—The Secretary shall, by regulation, require that individuals who receive financial assistance under this section perform related work which benefits Indian people or repay all or a prorated part of the support received. The Secretary shall establish by regulation a mechanism for having the recipient provide information of compliance with this requirement beginning within 12 months of the completion of training received.”

Page 507, strike line 19 and all that follows through page 509, line 2.

Page 411, line 13, strike “5004(a)(1)” and insert “4004(a)(1)”.

Page 412, line 2, strike “5202” and insert “4202”.

Page 412, line 5, strike “5106(a)” and insert “4106(a)”.

Page 413, line 11, strike “5101” and insert “4101”.

Page 413, line 17, strike “5101” and insert “4101”.

Page 414, line 21, strike “5104” and insert “4104”.

Page 414, line 25, strike “5106(a)” and insert “4106(a)”.

Page 415, line 5, strike “5103(a)” and insert “4103(a)”.

Page 415, line 16, strike “5105” and insert “4105”.

Page 415, line 19, strike “5103(b)” and insert “4103(b)”.

Page 416, line 2, strike “5103(d)(2)(A)(i)(II)” and insert “4103(d)(2)(A)(i)(II)”.

Page 416, line 25, strike “5101” and insert “4101”.

Page 417, line 6, strike “5121” and insert “4121”.

Page 417, line 11, strike “5101” and insert “4101”.

Page 417, line 19, strike “5122” and insert “4122”.

Page 421, line 19, strike “5104” and insert “4104”.

Page 422, line 24, strike “5103(d)” and insert “4103(d)”.

Page 424, line 24, strike “5102” and insert “4102”.

Page 425, line 15, strike “5103(d)(2)(A)(i)(I)” and insert “4103(d)(2)(A)(i)(I)”.

Page 425, line 16, strike “5103(d)(2)(A)(i)(II)” and insert “4103(d)(2)(A)(i)(II)”.

Page 426, line 12, strike “5102” and insert “4102”.

Page 432, line 5, strike “5122” and insert “4122”.

Page 434, line 10, strike “5103(b)” and insert “4103(b)”.

Page 434, line 11, strike “5103(d)” and insert “4103(d)”.

Page 435, line 9, strike “5004(a)(2)” and insert “4004(a)(2)”.

Page 437, line 2, strike “5106(a)” and insert “4106(a)”.

Page 438, line 9, strike “5101(a)(3)” and insert “4101(a)(3)”.

Page 311, strike line 20 and insert the following:

PART E—INNOVATIVE EDUCATION PROGRAM STRATEGIES

Page 313, after line 19, insert the following:
SEC. 2403. DEFINITION.

For the purposes of this part the term “effective schools programs” means school-based programs that may encompass preschool through secondary school levels and that have the objectives of (1) promoting school-level planning, instructional improvement, and staff development, (2) increasing the academic achievement levels of all children and particularly educationally deprived children, and (3) achieving as ongoing conditions in the school the following factors identified through effective schools research as distinguishing effective from ineffective schools:

(1) strong and effective administrative and instructional leadership that creates consensus on instructional goals and organizational capacity for instructional problem solving;

(2) emphasis on the acquisition of basic and higher order skills;

(3) a safe and orderly school environment that allows teachers and pupils to focus their energies on academic achievement;

(4) a climate of expectation that virtually all children can learn under appropriate conditions; and

(5) continuous assessment of students and programs to evaluate the effects of instruction.

Page 318, line 11, after “activities” insert “including effective schools programs”.

Page 319, after line 5, insert the following (and redesignate any subsequent paragraphs accordingly):

“(3) sets forth the allocation of such funds required to implement section 2252.

Page 320, line 24, insert “effective schools and” after “including”.

Page 321, line 19, insert “(A)” after “(1)”.

Page 321, after line 25, insert the following: “(B) sets forth the allocation of such funds required to implement section 2252;”

Page 322, after line 4, insert the following (and redesignate any subsequent paragraphs accordingly):

“(3) provides assurances of compliance with the provisions of this part, including the participation of children enrolled in private, nonprofit schools in accordance with section 2252;

Page 327, after line 14, insert the following:

“Subpart 5—General Administrative Provisions

“SEC. 2451. MAINTENANCE OF EFFORT; FEDERAL FUNDS SUPPLEMENTARY.

“(a) MAINTENANCE OF EFFORT.—(1) Except as provided in paragraph (2), a State is entitled to receive its full allocation of funds under this part for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

“(2) The Secretary shall reduce the amount of the allocation of funds under this part in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

“(3) The Secretary may waive, for 1 fiscal year only, the requirements of this subsection if the Secretary determines that

such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

“(b) FEDERAL FUNDS SUPPLEMENTARY.—A State or local educational agency may use and allocate funds received under this part only so as to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds made available under this part, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

“SEC. 2252. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

“(a) PARTICIPATION ON EQUITABLE BASIS.—(1) To the extent consistent with the number of children in the school district of a local educational agency which is eligible to receive funds under this part or which serves the area in which a program or project assisted under this part is located who are enrolled in private nonprofit elementary and secondary schools, or with respect to instructional or personnel training programs funded by the State educational agency from funds reserved for State use, such agency, after consultation with appropriate private school officials, shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs, and the repair, minor remodeling, or construction of public facilities as may be necessary for their provision (consistent with subsection (c) of this section), or, if such services, materials, and equipment are not feasible or necessary in one or more such private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this part.

“(2) If no program or project is carried out under subsection (a)(1) of this section in the school district of a local educational agency, the State educational agency shall make arrangements, such as through contracts with nonprofit agencies or organizations, under which children in private schools in that district are provided with services and materials to the extent that would have occurred if the local educational agency had received funds under this part.

“(3) The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs and projects carried out under this part by a State or local educational agency, whether directly or through grants to or contracts with other public or private agencies, institutions, or organizations.

“(b) EQUAL EXPENDITURES.—Expenditures for programs pursuant to subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this part for children enrolled in the public schools of the local educational agency, taking into account the needs of the individual children and other factors which relate to such expenditures, and when funds available to a local educational agency under this part are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.

“(c) FUNDS.—(1) The control of funds provided under this part, and title to materials, equipment, and property repaired, remodeled, or constructed therewith, shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property.

“(2) The provision of services pursuant to this section shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which, in the provision of such services, is independent of such private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this part shall not be commingled with State or local funds.

“(d) STATE PROHIBITION WAIVER.—If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation in programs of children enrolled in private elementary and secondary schools, as required by this section, the Secretary shall waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

“(e) WAIVER AND PROVISION OF SERVICES.—(1) If the Secretary determines that a State or a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in private elementary and secondary schools as required by this section, the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

“(2) Pending final resolution of any investigation or complaint that could result in a determination under this subsection or subsection (d), the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

“(f) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State or local educational agency to meet the requirements of subsections (a) and (b).

“(g) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allotment of the State under this part.

“(h) REVIEW.—(1) The Secretary shall not take any final action under this section until the State educational agency and the local educational agency affected by such action have had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

“(2) If a State or local educational agency is dissatisfied with the Secretary's final action after a proceeding under paragraph (1) of this subsection, it may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary

based this action, as provided in section 2112 of title 28, United States Code.

“(3) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

“(4) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

“(i) PRIOR DETERMINATION.—Any bypass determination by the Secretary under chapter 2 of the Education Consolidation and Improvement Act of 1981 shall, to the extent consistent with the purposes of this chapter, apply to programs under this chapter.

“SEC. 2253. EVALUATIONS AND REPORTING.

“(a) LOCAL EDUCATIONAL AGENCIES.—A local educational agency which receives financial assistance under this part shall report annually to the State educational agency on the use of funds under section 2431. Such reporting shall be carried out in a manner which minimizes the amount of paperwork required while providing the State educational agency with the necessary information under the preceding sentence. Such report shall be made available to the public.

“(b) STATE EDUCATIONAL AGENCIES.—A State educational agency which receives financial assistance under this part shall evaluate the effectiveness of State and local programs under this part in accordance with section 2423(a)(2)(B). That evaluation shall be submitted for review and comment by the State advisory committee and shall be made available to the public. The State educational agency shall submit to the Secretary a copy of the evaluation and a summary of the reports under subsection (a).

“(c) REPORTS.—(1) The Secretary, in consultation with State and local educational agency representatives, shall develop a model system which State educational agencies may use for data collection and reporting under this part.

“(2)(A) The Secretary shall submit annually a report to the Congress for the use of funds, the types of services furnished, and the students served under this part.

“(B) The Secretary shall not later than October 1, 1998, submit a report to the Congress summarizing evaluations under subsection (b) in order to provide a national overview of the uses of funds and effectiveness of programs under this part.

“SEC. 2254. FEDERAL ADMINISTRATION.

“(a) TECHNICAL ASSISTANCE.—The Secretary, upon request, shall provide technical assistance to State and local educational agencies under this part.

“(b) RULEMAKING.—The Secretary shall issue regulations under this part only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this part.

“(c) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any other provision of law, unless expressly in limitation of this subsection, funds appropriated in any fiscal year to carry out activities under this part shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.

"SEC. 2255. APPLICATION OF GENERAL EDUCATION PROVISIONS ACT.

"(a) GENERAL RULE.—Except as otherwise specifically provided by this section, the General Education Provisions Act shall apply to the programs authorized by this part.

"(b) APPLICABILITY.—The following provisions of the General Education Provisions Act shall be superseded by the specified provisions of this part with respect to the programs authorized by this part:

"(1) Section 410(a)(1) of the General Education Provisions Act is superseded by section 2254(b) of this part.

"(2) Section 433(a) of such Act is superseded by section 2254(a) of this part.

"(3) Section 436 of such Act is superseded by sections 2223 and 2233 of this part.

"(c) SPECIAL RULE.—Sections 440, 441, and 442 of the General Education Provisions Act, except to the extent that such sections relate to fiscal control and fund accounting procedures, may not apply to the programs authorized by this part and shall not be construed to authorize the Secretary to require any reports or take any actions not specifically authorized by this part."

Page 82, line 16—insert "basic" following instructional.

Page 82, Section 1122(c)(2) is amended by inserting after subparagraph (A) the following new subparagraph and redesignating the succeeding subparagraphs and paragraph (2) accordingly:

"(B) for the purpose of subparagraph (A), in the determination of expenditures per pupil from state and local funds or instructional salaries per pupil from state and local funds, staff salary differentials for years of employment shall not be included."

On page 85, after line 17, insert the following new paragraph:

"(9) A state and local educational agency shall coordinate with state and local housing agencies responsible for developing the comprehensive housing affordability strategy. Consideration shall be given to state and local housing and shelter policies described in the Comprehensive Housing Affordability Strategy to minimize educational disruption for children who become homeless."

Page 85, line 24, delete ", to the extent possible."

Page 85, line 25, after "selection" add "unless there is a compelling reason for not complying with this request."

Page 37, after line 19 insert the following new paragraph:

"(9) how the state will coordinate activities funded under this part with school-to-work and vocational education programs, as appropriate."

Page 56, line 4, after "development," insert "occupational information."

Page 681, line 25, strike "\$40,000,000" and insert in lieu thereof "\$50,000,000".

Page 682, line 9, strike "shall" and insert in lieu thereof "may".

Page 683, line 6, strike "section" and insert in lieu thereof "sections".

Page 683, line 7, after "7601" insert "and 7607"

Page 683, line 14, insert a new paragraph (3) and redesignate accordingly:

"(3) provide an assurance that local educational agencies receiving funds under this part will coordinate the use of such funds with programs funded under other Parts of this title or title I of the Improving America's Schools Act of 1993;"

Page 685, line 17, insert:

"(b) APPLICATION REVIEW.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

"(1) The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

"(2) The Secretary shall disapprove any application submitted by a State educational agency which does not meet the requirements of this section, but shall not finally disapprove an application except after reasonable notice, provision of technical assistance, and an opportunity for a hearing to the State."

Page 687, line 21, strike "TRIENNIAL" and insert in lieu thereof "BIENNIAL".

Page 687, line 23, strike "3" and insert in lieu thereof "2".

Page 688, line 4, strike "3" and insert in lieu thereof "2".

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PROPOSED AMENDMENTS TO WEEA

Page 459, Line 14, strike "Special Assistant of the Office of Women's Equity" and insert in lieu thereof: "Secretary"

Page 465, Line 6, strike "no more than four"

Page 465, Line 11, strike "four"

Page 465, Line 12, insert before "The Secretary" "To the extent feasible"

Page 466, strike lines 6 through 9.

Page 466, Line 10, before "The Secretary" insert "To the extent feasible."

Page 469, beginning on line 16, strike "the Secretary shall establish no more than 4 priorities" and on line 17, strike "of which"

Page 469, Line 21, before "The Secretary" insert "To the extent feasible."

Page 829, Line 2 after "technical assistance," insert "and" and on Line 3 strike "and the administration of grant programs."

Page 829, beginning on Line 5, after "shall" strike "report directly to the Secretary; and perform such additional functions as the Secretary shall prescribe" and insert in lieu thereof "advise the Secretary and Deputy Secretary on all matter relating to gender equity."

Page and line numbers refer to the Committee print of H.R. 6.

Page 439, line 5, Strike, "the use of tobacco"

Page 439, line 9 Insert the following paragraph and (redesignate succeeding paragraphs accordingly):

"(B) education with respect to the use of tobacco by elementary and secondary school students; and"

—
TITLE II, PART D

Page 297, line 4, strike "and schools" and insert "schools, and other appropriate educational entities"

Page 297, line 11, strike "comprehensive assistance centers" and insert "technical assistance system"

Page 298, line 24, strike "system of technical assistance centers" and insert "comprehensive assistance centers and the National Diffusion Network"

Page 299, line 3, strike "(c)" and insert "(d)"

Page 299, line 6, strike "2206(c)" and insert "2346(d)"

Page 301, line 12, after "centers," insert "state literacy centers."

Page 302, line 4, strike "2303(a)" and insert "2343(a)"

Page 304, line 16, strike "Maintenance of Service" and insert "Service and Application Requirements"

Page 304, line 17, strike "Effort" and insert "Service"

Page 307, line 16, strike "Facilitator" and insert "Facilitators"

Page 307, line 20, strike "and schools" and insert "schools, family and adult literacy programs, and other appropriate educational entities"

Page 310, line 17, strike "projects, local educational agencies," and insert "projects and to local educational agencies".

Page 689, strike line 20 and all that follows through line 4 on page 729 and insert the following:

"SEC. 8003. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

"(a) IN GENERAL.—Where the Secretary, after consultation with any local educational agency and with the appropriate State educational agency, determines for a fiscal year ending prior to October 1, 1999—

"(1) that the United States owns Federal property in the local educational agency, and that such property—

"(A) has been acquired by the United States since 1938;

"(B) was not acquired by exchange for other Federal property in the local educational agency which the United States owned before 1939; and

"(C) had an assessed value (determined as of the time or times when so acquired) aggregating 10 percent or more of the assessed value of all real property in the local educational agency (similarly determined as of the time or times when such Federal property was so acquired); and

"(2) that such agency is not being substantially compensated for the loss in revenue resulting from such ownership by increases in revenue accruing to the agency from the conduct of Federal activities with respect to such Federal property, then such agency shall be paid the amount described in subsection (b).

"(b) AMOUNT.—

"(1) IN GENERAL.—(A) The amount that a local educational agency shall be paid under subsection (a) for a fiscal year shall be calculated in accordance with paragraph (2), except that such amount shall be reduced by the Secretary by an amount equal to the amount of revenue, if any, that such agency received from activities conducted on such property during the previous fiscal year.

"(B) If funds appropriated under section 8013(a) are insufficient to pay the amount determined under subparagraph (A), the Secretary shall ratably reduce the payment to each eligible local educational agency.

"(C) Notwithstanding any other provision of this subsection, a local educational agency may not be paid an amount under this section which exceeds the difference of—

"(i) the maximum amount that such agency is eligible to receive for such fiscal year under section 8004(b)(1)(C); and

"(ii) the amount that such agency receives in such fiscal year under section 8004(b)(2).

"(2) APPLICATION OF CURRENT LEVIED REAL PROPERTY TAX RATE.—In calculating the amount that a local educational agency shall be paid for a fiscal year, the Secretary shall apply the current levied real property tax rate for current expenditures levied by fiscally independent local educational agencies or imputed, for fiscally dependent local educational agencies, to the current annually determined aggregate assessed value of such acquired Federal property.

"(3) DETERMINATION OF AGGREGATE ASSESSED VALUE.—Such aggregate assessed value of such acquired Federal property shall be determined (on the basis of the highest and best use of property adjacent to such acquired Federal property as of the time such value is determined), and provided to the Secretary, by the local official responsible for assessing the value of real property located in the jurisdiction of such local educational agency for the purpose of levying a property tax.

"(c) APPLICABILITY TO TENNESSEE VALLEY AUTHORITY ACT.—For the purposes of this section, any real property with respect to which payments are being made under section 13 of the Tennessee Valley Authority Act of 1933 shall not be regarded as Federal property.

"(d) OWNERSHIP BY UNITED STATES.—The United States shall be deemed to own Federal property for the purposes of this Act, where—

"(1) prior to the transfer of Federal property, the United States owned Federal property meeting the requirements of subparagraphs (A), (B), and (C) of subsection (a)(1); and

"(2) the United States transfers a portion of the property referred to in paragraph (1) to another nontaxable entity, and the United States—

"(A) restricts some or any construction on such property;

"(B) requires that the property be used in perpetuity for the public purposes for which it was conveyed;

"(C) requires the grantee of the property to report to the Federal government (or its agent) containing information on the use of the property;

"(D) except with the approval of the Federal government (or its agent), prohibits the sale, lease, assignment, or other disposal of the property unless such sale, lease, assignment, or other disposal is to another eligible government agency; and

"(E) reserves to the Federal government a right of reversion at any time the Federal government (or its agent) deems it necessary for the national defense.

"SEC. 8004. PAYMENTS FOR ELIGIBLE FEDERALLY-CONNECTED CHILDREN.

"(a) COMPUTATION OF PAYMENT.—

"(1) IN GENERAL.—For the purpose of computing the amount that a local educational agency is eligible to receive under subsection (b), (d), or (f) for any fiscal year, the Secretary shall determine the number of children who were in average daily attendance in the schools of such agency, and for whom such agency provided free public education, during the preceding school year and who, while in attendance at such schools—

"(A) resided on Federal property with a parent employed on Federal property situated in whole or in part within the boundaries of the school district of such agency;

"(B) resided on Federal property and had a parent on active duty in the uniformed services (as defined in section 101 of title 37, United States Code);

"(C) resided on Indian lands;

"(D) had a parent on active duty in the uniformed services (as defined by section 101 of title 37, United States Code) but did not reside on Federal property; or

"(E) resided in low-rent housing.

"(2) DETERMINATION OF WEIGHTED STUDENT UNITS.—For purposes of computing the basic support payment under subsection (b), the Secretary shall calculate the total number of weighted student units for a local educational agency by adding together the results obtained by the following computations:

"(A) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of 1.0.

"(B) Multiply the number of children described in paragraph (1)(C) by a factor of 1.25.

"(C) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of .35 if the local educational agency has—

"(i) a number of such children described in such subparagraphs which exceeds 6,500; and

"(ii) an average daily attendance for all children which exceeds 100,000.

"(D) Multiply the number of children described in subparagraphs (D) and (E) of paragraph (1) by a factor of .20.

"(b) BASIC SUPPORT PAYMENTS AND PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

"(1) BASIC SUPPORT PAYMENTS.—

"(A) IN GENERAL.—From the amount appropriated under section 8013(b) for a fiscal year, the Secretary is authorized to make basic support payments to eligible local edu-

cational agencies with children described under subsection (a).

"(B) ELIGIBILITY.—A local educational agency shall be entitled to receive a basic support payment under subparagraph (A) for a fiscal year with respect to a number of children determined under subsection (a) only if the number of children so determined with respect to such agency amounts to the lesser of—

"(i) at least 400 such children, or

"(ii) a number of such children which equals at least 3 percent of the total number of children who were in average daily attendance, during such year, at the schools of such agency and for whom such agency provided free public education.

"(C) MAXIMUM AMOUNT.—The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2), multiplied by—

"(i) the greater of—

"(I) one-half of the average per pupil expenditure of the State in which the local educational agency is located for the 3rd preceding fiscal year, or

"(II) one-half of the average per pupil expenditures of all of the States for the 3rd preceding fiscal year;

"(ii) the comparable local contribution rate certified by the State, as determined under regulations prescribed to carry out the Act of September 30, 1950 (Public Law 874, 81st Congress), as in effect on January 1, 1994; or

"(iii) the average per pupil expenditure of the State in which the local educational agency is located, multiplied by the local contribution percentage.

"(2) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

"(A) IN GENERAL.—For any fiscal year in which the sums appropriated under section 8013(b) are insufficient to pay to each local educational agency the full amount computed under paragraph (1), the Secretary shall make payments based upon the provisions of this paragraph.

"(B) LEARNING OPPORTUNITY THRESHOLD PAYMENTS.—(i) For fiscal years described in subparagraph (A), the Secretary shall compute a learning opportunity threshold payment (hereinafter 'threshold payment') by multiplying the amount obtained under paragraph (1)(C) by the total percentage obtained by adding—

"(I) the percentage of federally connected children for each local educational agency determined by calculating the fraction, the numerator of which is the total number of children described under subsection (a)(1) and the denominator of which is the total number of children in average daily attendance at the schools served by such agency; and

"(II) the percentage that funds under this paragraph represent of the total budget of the local educational agency, determined by calculating the fraction, the numerator of which is the total amount of funds calculated for each educational agency under this paragraph (not including amounts received under subsection (f)), and the denominator of which is the total current expenditures for such agency.

"(ii) Such total percentage used to calculate threshold payments under paragraph (1) shall not exceed 100.

"(C) RATABLE DISTRIBUTION.—For fiscal years described in subparagraph (A), the Secretary shall make payments as a ratable distribution based upon the computation made under subparagraph (B).

"(c) PRIOR YEAR DATA.—All calculations under this section shall be based upon data for each local educational agency from the

fiscal year preceding the fiscal year for which the agency is making application for payment.

"(d) USE OF FUNDS FOR CHILDREN WITH DISABILITIES.—

"(1) IN GENERAL.—From the amount appropriated under section 8013(c) for a fiscal year, the Secretary shall pay to each eligible local educational agency, on a pro rata basis, the amounts determined by—

"(A) multiplying the number of children described in subparagraphs (B) and (C) of subsection (a)(1) who are eligible to receive services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) by a factor of 1.0; and

"(B) multiplying the number of children described in subparagraph (D) of subsection (a)(1) who are eligible to receive services under such Act by a factor of .5.

"(2) USE OF FUNDS.—A local educational agency that receives funds under paragraph (1) shall use such funds to provide a free appropriate public education to children described in paragraph (1) in accordance with the Individuals with Disabilities Education Act.

"(e) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the total amount that the Secretary shall pay to a local educational agency under subsections (b) and (f)—

"(A) for fiscal year 1995, shall not be less than 80 percent of the payment such agency received for fiscal year 1994 under section 3(a) of the Act of September 30, 1950 (Public Law 81-874, 81st Congress), as in effect for fiscal year 1994;

"(B) for fiscal year 1996, shall not be less than 60 percent of such payment received for fiscal year 1994; and

"(C) for fiscal year 1997, shall not be less than 40 percent of such payment received for fiscal year 1994.

"(2) REDUCTION IN PAYMENTS.—In order to make payments to local educational agencies in accordance with paragraph (1), the Secretary shall reduce payments to other local educational agencies determined under subsection (b).

"(f) ADDITIONAL ASSISTANCE FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—From amounts appropriated under section 8013(d) for a fiscal year, the Secretary shall provide additional assistance to meet special circumstances relating to the provision of education in local educational agencies eligible to receive assistance under this section.

"(2) ELIGIBILITY.—A local educational agency shall be eligible to receive additional assistance under this subsection only if such agency—

"(A)(i) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 40 percent of the total student enrollment of such agency; and

"(ii) has a tax rate for general fund purposes which is at least 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State;

"(B)(i) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 35 percent of the total student enrollment of such agency; and

"(ii) has a tax rate for general fund purposes which is at least 125 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or

"(C) is a local education agency whose boundaries are the same as a Federal military installation or includes Federal property under exclusive Federal jurisdiction.

"(3) MAXIMUM PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the maxi-

imum amount that a local educational agency may receive under this subsection in accordance with the following computations:

“(i) The Secretary shall first determine the greater of—

“(I) the average per pupil expenditure of the State in which the local educational agency is located or the average per pupil expenditure of all the States;

“(II) the average per pupil expenditure of generally comparable school districts located in the State of the local educational agency, as defined by the Secretary in regulations; or

“(III) the average per pupil expenditure of three generally comparable school districts located in the State of the local educational agency, as defined by the Secretary in regulations.

“(ii) The Secretary shall next subtract from the amount determined under clause (i) the average amount of State aid per pupil received by the local educational agency.

“(iii) The Secretary shall next multiply the amount determined under clause (ii) by the sum of the total weighted units of the local educational agency, as computed under subsection (a)(2).

“(iv) If the tax rate of the local educational agency is greater than 94 percent, but less than 100 percent, of the tax rate of comparable school districts, the Secretary shall next multiply the amount determined under clause (iii) by the percentage that the tax rate of the local educational agency is of—

“(I) the average tax rate of its generally comparable school districts; or

“(II) the average tax rate of all the school districts in the State in which the local educational agency is located.

“(v) The Secretary shall next subtract the total amount of payments received by a local educational agency under subsections (b) and (d) for a fiscal year from the amount determined under clause (iii) or clause (iv), as the case may be.

“(B) SPECIAL RULE.—With respect to payments to local educational agencies described in subparagraphs (B) and (C) of paragraph (2), the maximum amount of such payments shall be equal to the product of the average per pupil expenditure of all the States multiplied by .7, except that such amount may not exceed 125 percent of the average per pupil expenditure of all local educational agencies in the State.

“(4) CURRENT YEAR DATA.—The Secretary shall, for purposes of providing assistance under this subsection, use—

“(A) data from the fiscal year in which the local educational agency is applying for assistance under this subsection; or

“(B) the most recent data available which is adjusted to such fiscal year.

“(5) REDUCTION IN PAYMENTS.—If funds appropriated to carry out this subsection are insufficient to pay in full the amounts determined under paragraph (3), the Secretary shall ratably reduce the payment to each eligible local educational agency.

“SEC. 8005. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.

“(a) IN GENERAL.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8004 shall establish policies and procedures to ensure that—

“(1) such children participate in programs and activities supported by such funds on an equal basis with all other children;

“(2) parents of such children and Indian tribes are afforded an opportunity to present their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how they may help those children realize the benefits of those programs and activities;

“(3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities;

“(4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and

“(5) parents and Indian tribes are afforded an opportunity to present their views on the agency's general educational program to such agency.

“(b) RECORDS.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8004 shall maintain records demonstrating its compliance with requirements contained in subsection (a).

“(c) WAIVER.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8004 is excused from the requirements contained in subsections (a) and (b) for any year with respect to any Indian tribe from which it has received a written statement that the agency need not comply with those subsections because the tribe is satisfied with the provision of educational services by such agency to such children.

“(d) TECHNICAL ASSISTANCE AND ENFORCEMENT.—The Secretary shall—

“(1) provide technical assistance to local educational agencies, parents, and Indian tribes to enable them to carry out this section; and

“(2) enforce this section through such actions, which may include the withholding of funds, as the Secretary determines to be appropriate, after affording the affected local educational agency, parents, and Indian tribe an opportunity to present their views.

“SEC. 8006. APPLICATION FOR PAYMENTS UNDER SECTIONS 8003 AND 8004.

“(a) IN GENERAL.—A local educational agency desiring to receive a payment under section 8003 or 8004 shall—

“(1) submit an application for such payment to the Secretary; and

“(2) provide a copy of such application to the State educational agency.

“(b) CONTENTS.—Each such application shall be submitted in such form and manner, and shall contain such information, as the Secretary may require, including—

“(1) information to determine the eligibility of the local educational agency for a payment and the amount of such payment; and

“(2) where applicable, an assurance that such agency is in compliance with section 8005 (relating to children residing on Indian lands).

“(c) DEADLINE FOR SUBMISSION.—The Secretary shall establish deadlines for the submission of applications under this section.

“(d) APPROVAL.—

“(1) IN GENERAL.—The Secretary shall approve an application submitted under this section that—

“(A) is filed by the deadline established under subsection (c); and

“(B) otherwise meets the requirements of this title.

“(2) REDUCTION IN PAYMENT.—The Secretary shall approve an application filed up to 60 days after a deadline established under subsection (c) that otherwise meets the requirements of this title, except that, notwithstanding section 8004(e), the Secretary shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid.

“(3) LATE APPLICATIONS.—The Secretary shall not accept or approve any application that is filed more than 60 days after a deadline established under subsection (c).

“SEC. 8007. PAYMENTS FOR SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS.

“(a) ELIGIBILITY.—A local educational agency is eligible for a payment under this section if—

“(1) the number of children in average daily attendance during the current school year is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year; and

“(2) the number of children in average daily attendance with a parent on active duty (as defined in section 101(18) of title 37, United States Code) in the Armed Forces who are in attendance at such agency because of the assignment of their parent to a new duty station between July 1 and September 30, inclusive, of the current year, as certified by an appropriate local official of the Department of Defense, is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year.

“(b) APPLICATION.—A local educational agency that wishes to receive a payment under this section shall file an application with the Secretary by October 15 of the current school year, in such manner and containing such information as the Secretary may prescribe, including information demonstrating that it is eligible for such a payment.

“(c) CHILDREN TO BE COUNTED.—For each eligible local educational agency that applies for a payment under this section, the Secretary shall determine the lesser of—

“(1) the increase in the number of children in average daily attendance from the preceding year; and

“(2) the number of children described in subsection (a)(2).

“(d) PAYMENTS.—From the amount appropriated for a fiscal year under section 8013(c), the Secretary shall pay each local educational agency with an approved application an amount, not to exceed \$200 per eligible child, equal to—

“(1) the amount available to carry out this section, including any funds carried over from prior years, divided by the number of children determined under subsection (c) for all such local educational agencies; multiplied by

“(2) the number of such children determined for that local educational agency.

“(e) NOTIFICATION PROCESS.—

“(1) ESTABLISHMENT.—The Secretary shall endeavor to establish, with the Secretary of Defense, a notification process relating to the closure of Department of Defense facilities, or the adjustment of personnel levels assigned to such facilities, which may substantially affect the student enrollment levels of local educational agencies which receive or may receive payments under this title.

“(2) INFORMATION.—Such process shall provide timely information regarding such closures and such adjustments—

“(A) by the Secretary of Defense to the Secretary; and

“(B) by the Secretary to the affected local educational agencies.

“SEC. 8008. FACILITIES.

“(a) CURRENT FACILITIES.—From the amount appropriated for any fiscal year under section 8013(e), the Secretary may continue to provide assistance for school facilities that were supported by the Secretary under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 640) as in effect prior to the date of the enactment of the Improving America's Schools Act of 1994.

“(b) TRANSFER OF FACILITIES.—

“(1) IN GENERAL.—The Secretary shall, as soon as practicable, transfer to the appropriate local educational agency or another

appropriate entity all the right, title, and interest of the United States in and to each facility provided under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 640), or under section 204 or 310 of the Act of September 30, 1950 (Public Law 874, 81st Congress), as in effect on January 1, 1958.

“(2) OTHER REQUIREMENTS.—Any such transfer shall be without charge to such agency or entity, and prior to such transfer, the transfer must be consented to by the local education agency or other appropriate entity, and may be made on such terms and conditions as the Secretary deems appropriate to carry out the purposes of this Act.

“SEC. 8009. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

“(a) GENERAL PROHIBITION.—Except as provided in subsection (b), a State may not—

“(1) consider payments under this title or under the Act of September 30, 1950 (Public Law 874, 81st Congress) in determining for any fiscal year—

“(A) the eligibility of a local educational agency for State aid for free public education; or

“(B) the amount of such aid; or

“(2) make such aid available to local educational agencies in a manner that results in less State aid to any local educational agency that is eligible for such payment than it would receive if it were not so eligible.

“(b) STATE EQUALIZATION PLANS.—

“(1) IN GENERAL.—A State may reduce State aid to a local educational agency that receives a payment under sections 8003 and 8004(b) (except the amount calculated in excess of 1.0 under subparagraph (B) of subsection (a)(2)) or under the Act of September 30, 1950 (Public Law 874, 81st Congress) as such Act existed prior to the enactment of the Improving America's Schools Act of 1994 (other than an increase in payments described in paragraphs (2)(B), (2)(C), (2)(D), or (3)(B)(ii) of section 3(d) of such Act of September 30, 1950) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that such State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in such State.

“(2) COMPUTATION.—

“(A) IN GENERAL.—For purposes of paragraph (1), a program of State aid equalizes expenditures among local educational agencies if, in the second preceding fiscal year, the amount of per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the highest such per-pupil expenditures or revenues did not exceed the amount of such per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the lowest such expenditures or revenues by more than 10 percent.

“(B) OTHER FACTORS.—In making a determination under this subsection, the Secretary shall—

“(i) disregard local educational agencies with per-pupil expenditures or revenues above the 95th percentile or below the 5th percentile of such expenditures or revenues in the State; and

“(ii) take into account the extent to which a program of State aid reflects the additional cost of providing free public education in particular types of local educational agencies, such as those that are geographically isolated, or to particular types of students, such as children with disabilities.

“(3) EXCEPTION.—Notwithstanding paragraph (2), if the Secretary determines that the State has substantially revised its program of State aid, the Secretary may certify such program for any fiscal year only if—

“(A) the Secretary determines, on the basis of projected data, that the State's pro-

gram will meet the 10 percent disparity standard described in paragraph (2) in that fiscal year; and

“(B) the State provides an assurance to the Secretary that, if final data do not demonstrate that the State's program met such standard for that year (or that it met such standard with a greater percentage of disparity than anticipated), the State will pay to each affected local educational agency the amount by which it reduced State aid to the local educational agency on the basis of such certification, or a proportionate share thereof, as the case may be.

“(c) PROCEDURES FOR REVIEW OF STATE EQUALIZATION PLANS.—

“(1) WRITTEN NOTICE.—

“(A) IN GENERAL.—Any State that wishes to consider payments described in subsection (b)(1) in providing State aid to local educational agencies shall submit to the Secretary, not later than 120 days before the beginning of the State's fiscal year, a written notice of its intention to do so.

“(B) CONTENTS.—Such notice shall be in the form and contain the information the Secretary requires, including evidence that the State has notified each local educational agency in the State of its intention to consider such payments in providing State aid.

“(2) OPPORTUNITY TO PRESENT VIEWS.—Before making a determination under subsection (b), the Secretary shall afford the State, and local educational agencies in the State, an opportunity to present their views.

“(3) QUALIFICATION PROCEDURES.—If the Secretary determines that a program of State aid qualifies under subsection (b), the Secretary shall—

“(A) certify the program and so notify the State; and

“(B) afford an opportunity for a hearing, in accordance with section 8011(a), to any local educational agency adversely affected by such certification.

“(4) NON-QUALIFICATION PROCEDURES.—If the Secretary determines that a program of State aid does not qualify under subsection (b), the Secretary shall—

“(A) so notify the State; and

“(B) afford an opportunity for a hearing, in accordance with section 8011(a), to the State, and to any local educational agency adversely affected by such determination.

“(d) REDUCTIONS OF STATE AID.—

“(1) IN GENERAL.—A State whose program of State aid has been certified by the Secretary under subsection (c)(3) may reduce the amount of such aid provided to a local educational agency that receives a payment under section 8003 and section 8004(b) by any amount up to—

“(A) the amount of such payment (excluding amounts provided under subsections (d) and (f) of section 8004 and the amount calculated in excess of 1.0 under section 8004(a)(2)); multiplied by

“(B) 100 percent minus the percentage of disparity determined under subsection (b).

“(2) PROHIBITION.—A State may not make a reduction described in paragraph (1) before its program of State aid has been certified by the Secretary under subsection (c)(3).

“(e) REMEDIES FOR STATE VIOLATIONS.—

“(1) IN GENERAL.—The Secretary or any aggrieved local educational agency may, without exhausting administrative remedies, bring an action in a United States district court against any State that violates subsection (a) or subsection (d)(2) or fails to carry out an assurance provided under subsection (b)(3)(B).

“(2) IMMUNITY.—A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action described in paragraph (1).

“(3) RELIEF.—The court shall grant such relief as it determines is appropriate, which

may include attorney's fees to a prevailing local educational agency.

“SEC. 8010. FEDERAL ADMINISTRATION.

“(a) PAYMENTS IN WHOLE DOLLAR AMOUNTS.—The Secretary shall round any payments under this title to the nearest whole dollar amount.

“(b) OTHER AGENCIES.—Each Federal agency administering Federal property on which children reside, and each agency principally responsible for an activity that may occasion assistance under this title, shall, to the maximum extent practicable, comply with requests of the Secretary for information the Secretary may require to carry out this title.

“SEC. 8011. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

“(a) ADMINISTRATIVE HEARINGS.—A local educational agency and a State that is adversely affected by any action of the Secretary under this title shall be entitled to a hearing on such action in the same manner as if such agency were a person under chapter 5 of title 5, United States Code.

“(b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—

“(1) IN GENERAL.—A local educational agency or a State aggrieved by the Secretary's final decision following an agency proceeding under subsection (a) may, within 60 days after receiving notice of such decision, file with the United States court of appeals for the circuit in which such agency or State is located a petition for review of that action. The clerk of the court shall promptly transmit a copy of the petition to the Secretary. The Secretary shall then file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

“(2) FINDINGS OF FACT.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

“(3) REVIEW.—The court shall have exclusive jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

“SEC. 8012. DEFINITIONS.

“For purposes of this title, the following definitions apply:

“(1) ARMED FORCES.—The term ‘Armed Forces’ means the Army, Navy, Air Force, and Marine Corps.

“(2) AVERAGE PER-PUPIL EXPENDITURE.—The term ‘average per-pupil expenditure’ means—

“(A) the aggregate current expenditures of all local educational agencies in the State; divided by

“(B) the total number of children in average daily attendance for whom such agencies provided free public education.

“(3) CONSTRUCTION.—The term ‘construction’ means—

“(A) the preparation of drawings and specifications for school facilities;

“(B) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities;

“(C) inspecting and supervising the construction of school facilities; and

“(D) debt service for such activities.

“(4) FEDERAL PROPERTY.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) through (F), the term ‘Federal property’ means real property that is not subject to taxation by any State or any political subdivision of a State due to Federal agreement, law, or policy, and that is—

“(i) owned by the United States or leased by the United States from another entity;

“(ii) (I) held in trust by the United States for individual Indians or Indian tribes;

“(II) held by individual Indians or Indian tribes subject to restrictions on alienation imposed by the United States;

“(III) conveyed at any time under the Alaska Native Claims Settlement Act (Public Law 92-203, 43 U.S.C. 1601 et seq.) to a Native individual, Native group, or Village or Regional corporation;

“(IV) public land owned by the United States that is designated for the sole use and benefit of individual Indians or Indian tribes; or

“(V) used for low-rent housing, as otherwise described in this paragraph, that is located on land described in subclass (I), (II), (III), or (IV) of this clause or on land that met one of those descriptions immediately before its use for such housing;

“(iii) (I) part of a low-rent housing project assisted under the United States Housing Act of 1937; or

“(II) used to provide housing for homeless children at closed military installations pursuant to section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411); or

“(iv) owned by a foreign government or by an international organization.

“(B) SCHOOLS PROVIDING FLIGHT TRAINING TO MEMBERS OF AIR FORCE.—The term ‘Federal property’ includes, so long as not subject to taxation by any State or any political subdivision of a State, and whether or not that tax exemption is due to Federal agreement, law, or policy, any school providing flight training to members of the Air Force under contract with the Air Force at an airport owned by a State or political subdivision of a State.

“(C) NON-FEDERAL EASEMENTS, LEASES, LICENSES, PERMITS, IMPROVEMENTS, AND CERTAIN OTHER REAL PROPERTY.—The term ‘Federal property’ includes, whether or not subject to taxation by a State or a political subdivision of a State—

“(i) any non-Federal easement, lease, license, permit, or other such interest in Federal property as otherwise described in this paragraph, but not including any non-Federal fee-simple interest;

“(ii) any improvement on Federal property as otherwise described in this paragraph; and

“(iii) real property that, immediately before its sale or transfer to a non-Federal party, was owned by the United States and otherwise qualified as Federal property described in this paragraph, but only for one year beyond the end of the fiscal year of such sale or transfer.

“(D) CERTAIN POSTAL SERVICE PROPERTY AND PIPELINES AND UTILITY LINES.—Notwithstanding any other provision of this paragraph, the term ‘Federal property’ does not include—

“(i) any real property under the jurisdiction of the United States Postal Service that is used primarily for the provision of postal services; or

“(ii) pipelines and utility lines.

“(E) PROPERTY WITH RESPECT TO WHICH STATE OR LOCAL TAX REVENUES MAY NOT BE EXPENDED, ALLOCATED, OR AVAILABLE FOR FREE PUBLIC EDUCATION.—Notwithstanding any other provision of this paragraph, ‘Federal property’ does not include any property on which children reside that is otherwise described in this paragraph if—

“(i) no tax revenues of the State or of any political subdivision of the State may be expended for the free public education of children who reside on that Federal property; or

“(ii) no tax revenues of the State are allocated or available for the free public education of such children.

“(F) CERTAIN PROPERTY LOCATED IN STATE OF OKLAHOMA OWNED BY INDIAN HOUSING AUTHORITY FOR LOW-INCOME HOUSING.—The term ‘Federal property’ includes any real property located in the State of Oklahoma that—

“(i) is owned by an Indian housing authority and used for low-income housing (including housing assisted under the mutual help ownership opportunity program under section 202 of the United States Housing Act of 1937); and

“(ii) at any time—

“(I) was designated by treaty as tribal land; or

“(II) satisfied the definition of Federal property under section 403(l)(A) of the Act of September 30, 1950 (Public Law 874, 81st Congress).

“(5) FREE PUBLIC EDUCATION.—The term ‘free public education’ means education that is provided—

“(A) at public expense, under public supervision and direction, and without tuition charge; and

“(B) as elementary or secondary education, as determined under State law, except that, notwithstanding State law, such term—

“(i) includes preschool education; and

“(ii) does not include any education provided beyond grade 12.

“(6) INDIAN LANDS.—The term ‘Indian lands’ means any Federal property described in paragraph (4)(A)(ii) or (4)(F).

“(7) LOCAL CONTRIBUTION PERCENTAGE.—

“(A) IN GENERAL.—The term ‘local contribution percentage’ means the percentage of current expenditures in the State derived from local and intermediate sources, as reported to and verified by the National Center for Education Statistics.

“(B) HAWAII AND DISTRICT OF COLUMBIA.—Notwithstanding subparagraph (A), the local contribution percentage for Hawaii and for the District of Columbia shall be the local contribution percentage computed for the Nation as a whole.

“(8) LOCAL EDUCATIONAL AGENCY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘local educational agency’—

“(i) means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent school district, or other school district; and

“(ii) includes any State agency that directly operates and maintains facilities for providing free public education.

“(B) EXCEPTION.—The term ‘local educational agency’ does not include any agency or school authority that the Secretary determines on a case-by-case basis—

“(i) was constituted or reconstituted primarily for the purpose of receiving assistance under this title or the Act of September 30, 1950 (Public Law 874, 81st Congress) or increasing the amount of such assistance; or

“(ii) is not constituted or reconstituted for legitimate educational purposes.

“(9) LOW-RENT HOUSING.—The term ‘low-rent housing’ means housing located on property that is described paragraph (4)(A)(iii).

“(10) REVENUE DERIVED FROM LOCAL SOURCES.—The term ‘revenue derived from local sources’ means—

“(A) revenue produced within the boundaries of a local educational agency and available to such agency for its use; or

“(B) funds collected by another governmental unit, but distributed back to a local

educational agency in the same proportion as it was collected as a local revenue source.

“(11) SCHOOL FACILITIES.—The term ‘school facilities’ includes—

“(A) classrooms and related facilities; and

“(B) equipment, machinery, and utilities necessary or appropriate for school purposes.

“SEC. 8013. AUTHORIZATION OF APPROPRIATIONS.

“(a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—For the purpose of making payments under section 8003, there are authorized to be appropriated \$16,750,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

“(b) BASIC PAYMENTS.—For the purpose of making payments under section 8004(a), there are authorized to be appropriated \$775,500,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

“(c) PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 8004(d), there are authorized to be appropriated \$45,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

“(d) PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—For the purpose of making payments under section 8004(f), there are authorized to be appropriated \$42,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

“(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

Page 864, after line 4, insert the following:

(a) SECTION 1.—Section 1 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 631) is amended—

(1) by striking the 2nd sentence of subsection (a); and

(2) by amending subsection (b) to read as follows:

“(b) There are authorized to be appropriated to carry out this Act \$12,500,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.”.

Page 864, strike line 5 and all that follows through line 7 and insert the following:

(b) SECTION 2.—Section 2 of such Act is amended to read as follows:

Page 864, line 19, strike “(b)” and insert “(c)”.

Page 866, line 3, strike “(c)” and insert “(d)”.

Page 869, line 10, strike “(d)” and insert “(e)”.

TITLE V TECHNICAL AMENDMENT

Page 901, strike lines 2 through 4 and insert the following:

Any authority or requirement to make funds available under this Act shall be effective only to the extent provided in appropriations acts.

Beginning on page 28, strike line 12 and all that follows through page 30, line 2, and insert in lieu thereof the following:

“(iii) model opportunity to learn standards for schools which receive assistance under this title that address—

(I) the alignment of curricula, instructional materials, and other school resources with the content and performance standards adopted by the State;

(II) the capability of teachers to provide high quality instruction within each subject area for which the State has adopted content and performance standards;

(III) such other factors that the State deems appropriate to ensure that students

served under this title receive a fair opportunity to achieve the knowledge and skills described in content and performance standards adopted by the State."

Page 34, strike lines 7 through 11 (and redesignate any subsequent paragraphs accordingly)

Page 36, line 18 after "agencies" insert "and the public of the standards and assessments developed under this section, and"

Page 39, after line 12, insert the following new paragraph (and redesignate accordingly):

"(g) Notwithstanding any other provision of this Act, the implementation of model opportunity to learn standards shall be voluntary on the part of the States, local educational agencies, and schools."

Page 39, after line 17, insert the following new paragraphs (and redesignate accordingly):

"(i) Nothing in this section shall be construed to create a legally enforceable right for any person against a State, local educational agency, or school based on opportunity to learn standards.

(j) Nothing in this section shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

(k) Nothing in this section shall be construed to mandate national school building standards for a State, local educational agency, or school."

Page 42, strike lines 19 through 22

Page 67, strike lines 7 through 9

Page 69, line 3, after "standards" insert "including reviewing the school's plan in the context of the State's model opportunity to learn standards"

Page 70, line 13 after "include" insert "implementing the State's model opportunity to learn standards,"

Page 72, line 20, after "standards" insert "including reviewing the local educational agency's plan in the context of the State's model opportunity to learn standards"

Page 74, line 1, after "include" insert "implementing the State's model opportunity to learn standards,"

Page 75, line 12, strike "and opportunity to learn standards"

Page 91, line 19, strike "opportunity to learn standards"

Page 183, after line 16 insert the following (and redesignate accordingly):

"(v) are using any of the voluntary model State opportunity to learn standards that may have been implemented and whether they are useful in improving learning."

Page 330, line 6, strike "and".

Page 330, line 7, insert the following (and redesignate any subsequent subparagraphs accordingly):

"(M) The development and expansion of public-private partnership programs which extend the learning experience, via computers, beyond the classroom environment into student homes.

It was decided in the affirmative { Yeas 422 Nays 1

13.10 [Roll No. 33] AYES—422

Table with 3 columns: Name, Party, and Roll No. 33. Includes names like Abercrombie, Ackerman, Allard, etc.

Table with 3 columns: Name, Party, and Roll No. 33. Includes names like Brown (OH), Bryant, Bunning, etc.

Table with 3 columns: Name, Party, and Roll No. 33. Includes names like Schumer, Scott, Strickland, etc.

NOES—1

Durbin

NOT VOTING—15

Table with 3 columns: Name, Party, and Roll No. 33. Includes names like Andrews (TX), Clay, Gejdenson, etc.

So the amendments en bloc, as modified, were agreed to.

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

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

13.11 ADJOURNMENT OVER

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 12 o'clock noon, on Monday, February 28, 1994.

13.12 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, March 2, 1994, under clause 7, rule XXIV, the Calendar Wednesday rule, be dispensed with.

13.13 MOTION TO DISCHARGE COMMITTEE TO THE CLERK OF THE HOUSE OF REPRESENTATIVES:

Pursuant to clause 4, rule XXVII, I, CHARLES W. STENHOLM, move to discharge the Committee on Rules from the consideration of the resolution (H. Res. 331) providing for the consideration of the joint resolution (H.J. Res. 103) proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation, which was referred to said committee January 25, 1994, in support of which motion the undersigned Members of the House of Representatives affix their signatures, to wit:

- 1. Charles W. Stenholm. 2. James M. Inhofe.